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Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General*

* The present report is submitted after the deadline in order to reflect the information received most recently.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 62/220. The Assembly recognized in paragraph 6 of that resolution that "racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status". In paragraph 8 the Assembly emphasized that "it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law".

2. In this regard, in paragraph 9 the Assembly urged "all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments". It was within that context that, in paragraph 53, the Assembly requested the Secretary-General to submit a report on the implementation of the resolution to the General Assembly at its sixty-third session.

3. The present report is preceded by the report of the Secretary-General (A/62/480) submitted in accordance with General Assembly resolution 61/149 on global efforts undertaken during the period from August 2006 to July 2007 on the implementation of the resolution and the follow-up to the Durban Declaration and Programme of Action adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

4. The present report summarizes information received on activities undertaken. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent notes verbales to Member States, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations requesting information on the implementation of General Assembly resolution 62/220, to be received by 30 June 2008.

5. Following the request for contributions, OHCHR received contributions from 13 Member States, namely Bosnia and Herzegovina, Croatia, the Islamic Republic of Iran, Jamaica, Japan, Georgia, Lebanon, Mexico, Romania, Slovakia, Spain, Switzerland and Tunisia. Contributions were not received from United Nations bodies, regional organizations, national human rights institutions or non-governmental organizations. The information received by the Member States is summarized in the present report. The original text of the contributions is available for consultation with the Secretariat.

II. Contributions received

Member States

Bosnia and Herzegovina

6. Bosnia and Herzegovina informed that its Constitution provides expressly for the prohibition of racial discrimination. Bosnia and Herzegovina has committed itself to the principle of respect for human rights and fundamental freedoms, and the European Convention on Human Rights forms an integral part of its Constitution and is directly applicable to its legal system. The European Convention on Human Rights guarantees in its article 14 that "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status". According to Bosnia and Herzegovina, all persons on its territory enjoy the human rights and freedoms provided for under the European Convention on Human Rights. In carrying out its policy towards the elimination of racial discrimination, Bosnia and Herzegovina undertakes action at the legislative, judicial and administrative levels.

7. As a party to the International Convention on the Elimination of all Forms of Racial Discrimination, Bosnia and Herzegovina submitted its report to the Committee on the Elimination of Racial Discrimination in 2005 (see CERD/464/Add.1). Following its examination of the report, the Committee submitted detailed recommendations to Bosnia and Herzegovina in its concluding remarks to which the latter intended to respond in its second periodic report on the implementation of the Convention. The second periodic report of Bosnia and Herzegovina was received by OHCHR on 25 August 2008.

Croatia

8. Croatia informed that its Constitution prohibits discrimination based on race, skin colour, sex, language, religion, faith, political or other belief, national or social origin, property, birth, education, social status or other characteristics. Freedoms and rights may be restricted only by law to protect the freedoms and rights of other individuals and the legal order, public morals and health. Any restriction of freedom or rights must correspond to the nature of the need for such restriction in each individual case.

9. Croatia also reported that article 39 of its Constitution stipulates that any incitement to war or resort to violence, national, racial or religious hatred or any form of intolerance is prohibited and subject to criminal sanctions. Equality is guaranteed by other articles of the Constitution as well (articles 15, 16, 23, 33, 44-47).

10. According to Croatia, discrimination is prohibited by the Criminal Act, and the sanctioning of discrimination by means of criminal legislation has undergone a series of significant changes. In this regard, article 174 of the Criminal Code has been amended on several occasions (2003, 2004, 2005 and 2006). The legal description of the crime has been expanded considerably. The discriminatory grounds have been expanded to include religion, language, political or other conviction, property, birth, education, social status, sexual orientation or other

characteristics. Article 174 further provides for imprisonment for a minimum term of six months to a maximum of five years for violations.

11. Croatia also asserted that the Labour Act prohibits discrimination in employment. The Gender Equality Act establishes the general foundation for the protection and promotion of gender equality; the Same-sex Union Act prohibits any form of discrimination, direct or indirect, on the basis of sexual orientation; and incitement to discrimination is deemed discrimination as well. The Constitutional Act on the Rights of National Minorities prohibits any form of discrimination based on persons belonging to a national minority.

Georgia

12. Georgia informed that article 14 of its Constitution provides that every person within the territory of Georgia is equal before the law regardless of race, colour, language, sex, religion, political and other opinion, national, ethnical or social origin, etc. All persons, regardless of race, nationality or ethnicity, may enjoy rights and legal guarantees on an equal basis without discrimination.

13. Article 142 of the Criminal Code of Georgia criminalizes racial discrimination as an act committed with the intention of inciting national or racial hatred or conflict, humiliating national dignity, directly or indirectly restricting human rights or granting advantages on grounds of race, skin colour, social status or national or ethnic affiliation. Deprivation of liberty for a term not exceeding three years is determined as a sanction. The same act, committed with the use of violence that endangers life or health, or with the threat of such violence, or through abuse of one's official position, shall be punishable by deprivation of liberty for a term from two to five years. The same criminal act committed by a group or that resulted in human loss or any grave consequence shall be punished by the deprivation of liberty from four to seven years. The Code further criminalizes persecution on the basis of opinion, religion or belief, or for political, religious, professional or scientific activities (article 156). Intolerance based on race, religion, nationality and ethnicity is regarded as aggravating circumstances with regard to criminal conduct.

14. Georgia reported that its Government adopted on 26 September 2007 the 2007-2009 action plan on measures for the implementation of gender equality policy. Georgia acceded to the International Convention on the Elimination of all Forms of Racial Discrimination on 16 April 1999, and recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of violation by Georgia of any of the rights set out in the above-mentioned Convention

Islamic Republic of Iran

15. The Islamic Republic of Iran informed that the most serious manifestation of setback in the campaign against racism has been the resurgence of racist and xenophobic violence targeting ethnic, cultural and religious communities. According to the Islamic Republic of Iran, the emergence of new forms of discrimination also constitutes a negative impact in combating terrorism and the marginalization of the Durban Declaration and Programme of Action.

16. Because of the importance the Government of the Islamic Republic of Iran attaches to combating racism and racial discrimination, it hosted from 19 to 21 February 2001, the Asian preparatory meeting for the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Regarding the upcoming Durban Review Conference, it asserted that as a Bureau member of the Preparatory Committee, it has been playing an active role in the preparatory process.

17. Regarding Iranian society, the Government informed that article 19 of the Constitution specifies that the people of the Islamic Republic of Iran, regardless of tribal or ethnic origin, enjoy equal rights; and colour, race and language do not constitute a privilege. Through its policies and actions, the Government seeks to ensure that these principles are realized. Consistent with its effort to promote and protect human rights, the Government has adopted various measures, which include, inter alia, in the performance of their duties, judicial officials are to refrain from using sarcastic, offensive words or phrases that might result in offending the feelings and emotions of listeners.

18. A document on the elimination of poverty was adopted with the aim to alleviate the impoverished situation of vulnerable groups such as the elderly, women, the handicapped and homeless children. Measures aimed at improving the living standards and the advancement of ethnic groups, particularly in the field of education, have also been put into place. The Government informed that access to education is based on the principles of equality. Under existing laws, all students, irrespective of race, language, ethnicity and nationality; are entitled to access to the educational facilities in the country.

Jamaica

19. Jamaica informed that its background of racial tolerance is based on the composition of its population issued from various ethnic backgrounds. This is underscored by the national motto "Out of many one people". According to the Government, racism and racial discrimination do not manifest themselves as overtly in Jamaica as they do in other countries. In general, the most significant contemporary manifestation of racism lies in the economic relationships and uneven distribution of wealth. The absence of overt racism and racial discrimination in Jamaica, therefore, explains the fact that there are no formal structures or mechanisms specifically established for their elimination.

20. In terms of general legal provisions, the Constitution of Jamaica provides, in chapter III, for the granting and protection of fundamental rights and freedoms to every person in Jamaica, irrespective of race, place of origin, political opinions, colour, creed or sex, subject only to the rights and freedoms of others and the public interest. The fundamental rights include the rights to life, liberty, security of the person, enjoyment of property and protection of the law; freedom of conscience, of expression and of peaceful assembly and association; and respect for private and family life. Section 24 of the Constitution protects against discrimination on various grounds. It provides that no person shall be treated in a discriminatory manner by any person acting by virtue of written law or in the performance of any functions of any public office or public authority.

21. Jamaica specifies that the rights and freedoms granted under the Constitution, including freedom of expression, are guaranteed and protected subject to respect for

the rights and freedoms of others and of the public interest. It should be noted, therefore, that the programme content of local radio and television stations is monitored by the Broadcasting Commission of Jamaica. The Jamaican authorities have not detected the emergence of movements based on racism and discriminatory ideas concerning anti-Semitism, anti-Arabism and Islamophobia. The Government also informed that it is a party to the International Convention on the Elimination of all Forms of Racial Discrimination and efforts are being made to ensure the timely submission of periodic reports to the Committee and the consideration of the recommendations of the Committee.

22. Regarding the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, Jamaica remains committed to working towards their full implementation, and will continue to assess the progress being made at the national level in preparation for the 2009 Durban Review Conference. Jamaica recently participated in the regional preparatory conference for Latin America and the Caribbean for the Durban Review Conference held in Brasilia from 17 to 19 June 2008.

23. In fulfilment of the implementation of the Durban Declaration and Programme of Action, Jamaica and other countries of the Caribbean Community (CARICOM) spearheaded the initiative for the adoption by the General Assembly of resolution 61/19 and resolution 62/122, in which the Assembly designated 25 March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and invited interested parties to contribute to the voluntary fund for the erection of a permanent memorial at the United Nations in acknowledgement of the tragedy and in consideration of the legacy of slavery and the transatlantic slave trade. Both resolutions were in keeping with paragraphs 101 and 102 of the Durban Declaration, aimed at countering the legacy of slavery and contributing to the restoration of the dignity of the victims of slavery and the slave trade. At the national level, the Jamaica National Bicentenary Committee was established to mark the two hundredth anniversary of the abolition of the transatlantic slave trade.

Japan

24. The Government of Japan informed that it acceded to the International Convention on the Elimination of all Forms of Racial Discrimination in 1995. Japan has expressed its intention to combat all forms of racism, racial discrimination, xenophobia and related intolerance in accordance with the Convention. Article 14 of the Constitution of Japan stipulates that all people are equal under the law. Japan informed that it is also a party to both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which also prohibit discrimination on various grounds. On the basis of its obligation under its Constitution and the Covenants, Japan has been striving to realize a society without any form of racial or ethnic discrimination. Japan will continue to make efforts to achieve a society in which each person is respected as an individual and can fully develop his or her own personality.

25. The Government also informed that the dissemination and expression of racially discriminatory thought that damages the honour or credit of an individual or a group are criminalized under the Penal Code. Violent acts motivated by or with intent to cause racial discrimination are also criminalized under the Penal Code.

Lebanon

26. Lebanon informed that its Constitution includes guarantees of non-discrimination and equality for all. Lebanon is one the founding members of the United Nations. As such, it is committed to the United Nations principles as contained in the declarations and conventions on human rights and which are reflected in Lebanon in all aspects of life.

27. Lebanon reported that its Penal Code does not criminalize racism, racial discrimination, xenophobia and related intolerance, as no specific definition is provided thereunder. However, action at law by victims of racism and discrimination is acceptable on the basis of the Constitution and legislations. Racism as defined under the International Convention on the Elimination of all Forms of Racial Discrimination is not manifest in Lebanon on a significant scale. Lebanon also reported that problems in Lebanon connected to migrant workers serving as domestic help should not be associated with racism, racial discrimination and xenophobia.

Mexico

28. The Government of Mexico informed that it has adopted very important pieces of legislation and administrative measures to combat racism. Regarding legislative measures, on 14 August 2001, article 1 of the Constitution was modified through the inclusion of a paragraph that prohibits discrimination on various grounds, including of religion, national or ethnic origin, gender, age, disability, health, social class, opinion and marital status. In 2003 the Federal Law on the Prevention and Elimination of Discrimination was adopted. According to its article 4, discrimination is defined as: any distinction, exclusion or restriction that is based on various grounds and includes any manifestation of xenophobia or anti-Semitism.

29. The Government also informed that with a view to implementing the law, the National Council to Prevent Discrimination was created. The mandate of the Council is to coordinate anti-discrimination policies of the federal Government. The Council has created various national anti-discrimination programmes and supports legislative changes favouring victims of discrimination. It is currently developing an anti-discrimination programme to cover the period 2008-2013. In addition, the General Law on Population was modified in 2008, in order to decriminalize undocumented migrants and to prohibit the establishment of preventive detention centres.

30. Referring to the implementation and follow-up to the Durban Declaration and Programme of Action, the Government stresses the mandate of the National Commission on Human Rights to receive complaints from victims of human rights violations. Moreover, the Government of Mexico made reference to its active participation in the work of the Preparatory Committee for the Durban Review Conference. In this regard, it took part in the regional preparatory conference for Latin America and the Caribbean.

Romania

31. The Government of Romania informed that its Constitution as revised in 2003 provides equality among citizens, without any discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence,

property or social origin. According to article 20, the Constitution or national laws will take precedence over international regulations in the field of human rights when they comprise more favourable provisions.

32. According to Romania, the governmental ordinance on the prevention and sanctioning of all forms of discrimination (137/2000) represents the landmark piece of legislation in the field of anti-discrimination. It offers a comprehensive definition of the concept of "discrimination" as any distinction, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion, social origin, beliefs, sex, sexual orientation, age, disability, chronic non-infectious disease, HIV infection, appurtenance to a disadvantaged category or any other criteria that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field or public life.

33. Romania asserted that it became party to the International Convention on the Elimination of all Forms of Racial Discrimination in 1970. In 2002 Romania submitted a declaration, in accordance with article 14 (1) of the Convention, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider complaints from persons within its jurisdiction claiming to be victims of violations of any of the rights set out in the Convention. Romania asserted that it has made considerable efforts to implement the Convention and to translate into practice the Durban Declaration and Programme of Action. These efforts materialized, on the one hand, in the adoption of a comprehensive and coherent legislative framework, and, on the other hand, in the establishment of several institutions with competencies in combating racism, racial discrimination, xenophobia and any other forms of intolerance.

34. Romania informed that a series of strategic and public policies have been developed and implemented in order to promote diversity and equal opportunities, and to prevent and combat all forms of discrimination, poverty and marginalization. These strategies contain specific measures, including positive actions, for disadvantaged or vulnerable groups. Victims of discrimination can resort, for legal protection and remedy, to a vast network of judicial, quasi-judicial and other institutions. Every person is entitled to bring cases before the courts, in the defence of his or her legitimate rights, liberties and interests. Any person can also file complaints with the National Council for Combating Discrimination or with the Ombudsman.

35. In Romania, the most frequent forms of racial discrimination are discriminatory manifestations on grounds of ethnicity, targeting mainly the Roma minority, as well as discriminatory attitudes in sport, especially during football matches.

36. Romania also informed that article 30 of the Constitution provides for freedom of expression but that freedom of expression, may be subject to certain limitations, regarding, in particular, the prohibition of incitement to racial hatred. Under the Penal Code, "incitement to discrimination" (any incitement to hatred on the grounds of race, nationality, ethnic origin, language, religion, gender, sexual orientation, opinion, political membership, beliefs, possessions, social origin, age, disability, chronic non-infectious disease or HIV infection) is punishable by a term of imprisonment of between six months and three years or by fine.

Slovakia

37. Slovakia informed that, under its Constitution, all people are free and equal in dignity and rights. Fundamental rights and freedom are guaranteed in Slovakia to all individuals, irrespective of status. Slovakia is fully committed to the fight against racism, racial discrimination, xenophobia and related intolerance.

38. Slovakia reported that it was among the States that actively participated in the negotiations at the 2001 Durban World Conference. Since the Conference, Slovakia has focused its efforts on the full implementation of the agreed recommendations of the Durban Programme of Action. Slovakia asserted that seven years after its adoption, the Durban Review Conference should concentrate on reviewing the implementation of the Programme of Action, sharing good practices and identifying major challenges.

39. Slovakia further informed that that since its entry into the European Union on 1 May 2004, the Government has incorporated the human rights principles of the European Union, including the prohibition of discrimination and the elimination of all forms of intolerance, through harmonization with its national laws and the implementation of programmes and other mainstreaming activities of the European Union.

40. According to Slovakia, the rise in particular forms of discrimination is extremely worrying. However, in the context of the Durban Declaration and Programme of Action, the international community has found a universal and broadly consensual strategy to combat racism, racial discrimination, xenophobia and related intolerance, which should not be undermined. Slovakia added that although racism, racial discrimination, xenophobia and other forms of intolerance are still present in its society, it is witnessing a considerable shift in terms of becoming increasingly sensitive to such issues and the need to eliminate them.

41. Slovakia referred to its action plan for prevention of all forms of discrimination, racism, xenophobia and intolerance, which represents the fundamental instrument of the Government of Slovakia in the area of prevention and elimination of racism, discrimination, xenophobia and other forms of intolerance. The objective of the action plan is to implement both domestic and international obligations in order to build a tolerant and democratic State.

Spain

42. The Government of Spain submitted information on the activities it has undertaken to implement the Durban Programme of Action. Regarding legislative measures in particular, Spain informed that European Directive 2000/43/EC, entitled "Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", has been incorporated at the national level through national law 62/2003 of 30 December 2003.

43. With reference to the establishment and consolidation of specialized and independent national institutions and mediation procedures, Spain noted in its report that in 2007, the Government established the Council for the Promotion of Equal Treatment and Non-discrimination, with the mandate as secretariat of the Council to assist victims of direct discrimination and conduct studies and analyses. Spain also provided details regarding its Strategic Plan of Citizenship and Integration 2007-2010. Under the plan, studies on the phenomena of racism, xenophobia and

Islamophobia have been conducted. Educational and sensitization campaigns and a guidebook on training State security forces have also been developed.

Switzerland

44. Switzerland considers that racial discrimination constitutes a grave violation of human rights. In this perspective, the fight against racism cannot be limited to the ratification of international conventions; it also requires constant political efforts of each State. In that light, the participation of Switzerland in the 2001 World Conference did not mark the beginning or the end of a process. For many years the Confederation, the cantons, the municipalities, NGOs and the private sector have been accomplishing an important work of prevention and sensitization for victims of discrimination. However, there is still much to be done to protect potential victims. In this regard, evaluating existing measures, reinforcing those that have proven to be efficient and developing new ones, as necessary and feasible, based on the Durban Declaration and Programme of Action, are important steps.

45. Subsequent to the Durban World Conference, Switzerland created Service for the Fight against Racism (Service de lutte contre le racisme). Linked to the Federal Department of the Interior, it is the interlocutor at the level of the federal administration on all questions related to the fight against racism, anti-Semitism and xenophobia. It provides financial assistance for training projects in education, sensitization and prevention, targeting racism directly.

46. Service for the Fight against Racism is putting into place racism monitoring systems to evaluate xenophobia and discrimination. To this effect, it relies on data collection instruments and methods that public authorities, international organizations and civil society have already put in place and envisages the elaboration of new instruments in collaboration with different partners. In order to have a panoply of instruments that will facilitate the monitoring of racism, discrimination and xenophobia in an exhaustive manner, such a monitoring system has to regroup a number of elements, including data of a structural nature (integration indicator, census of racial cases); public opinion from private or public sources; an evaluation of the effects of measures taken in the anti-racism domain and also in the domain of integration.

47. The Swiss Confederation considers that the Durban Review Conference has to concentrate primarily on the evaluation of the application of the Durban Declaration and Programme of Action before elaborating complementary norms. Regarding the Durban follow-up mechanisms, it is very early to make an evaluation; however, Switzerland is convinced that such an undertaking would lead to constructive and satisfactory results for all stakeholders.

Tunisia

48. Tunisia informed that the fight against all forms of racial discrimination constitutes a fundamental principle of Tunisian law; it is absolute and is subject to no derogation. In its preamble, the Tunisian Constitution of 1 June 1959 calls for absolute prohibition of racial discrimination. Article 6 of the Constitution stipulates that all citizens have the same rights and the same duties; they are equal before the law. The Constitution also provides that political parties must commit to rejecting all forms of violence, fanaticism, racism and discrimination. No political party can use its race affiliation in transmitting its ideologies.

49. The Government reported that Tunisia had ratified international conventions that condemn racial discrimination, with the aim of adding its efforts at a universal level to the fight against racism. In that regard, the Government referred to its ratification of the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports.

50. According to Tunisia, education constitutes the most efficient way to implant the virtues of fraternity in society. Education is a fundamental right guaranteed to all Tunisians, without distinction based on sex, social origin, colour or religion. The educational system of Tunisia carries a message of non-discrimination and liberty.

51. Concerning freedom of expression, Tunisia informed that the Media Code provides for sanctions against persons who use the media to spread racial hatred. Penalties are proportional to the impact of xenophobic propaganda carried out by the media. Contrary to the offence of defamation and abuses against individuals, which can be prosecuted only on the basis of complaints of victims, the Media Code allows for automatic prosecution upon the request of the public ministry when defamation or abuse is committed against a group of people belonging to a race with the objective of inciting hatred.

III. Update on activities

52. Below is a summary of various developments that have taken place during the year concerning the implementation of the Durban Declaration and Programme of Action and preparations for the Durban Review Conference.

53. In 2006, the General Assembly, in its resolution 61/149, decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action. To that end, it requested the Human Rights Council to prepare the event, formulate a concrete plan and provide yearly updates and reports on the issue starting in 2007. The Human Rights Council is acting as the Preparatory Committee for the Durban Review Conference.

54. The Preparatory Committee for the Durban Review Conference held its organizational session in Geneva from 27 to 31 August 2007, as mandated by the General Assembly in paragraph 33 of its resolution 61/149 and by the Human Rights Council in paragraph 2 of its resolution 3/2.

55. At its 9th meeting, on 31 August 2007, the Preparatory Committee adopted decision PC.1/13, entitled "Objectives of the Durban Review Conference". The Preparatory Committee decided, on the basis of the Durban Declaration and Programme of Action, General Assembly resolution 61/149 and Human Rights Council resolution 3/2, that the objectives of the Durban Review Conference will be as follows:

> "(i) to review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism,

racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;

(ii) to assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;

(iii) to promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination;

(iv) to identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance" (A/62. 375, annex I, appendix).

56. The first substantive session of the Preparatory Committee for the Durban Review Conference took place in Geneva from 21 April to 2 May 2008. Its agenda included the submission of the provisional agenda of the Durban Review Conference, reports of preparatory meetings and activities at the international, regional and national levels, the review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference, contributions of human rights bodies and mechanisms, and the draft outcome document of the Durban Review Conference. To this end, various contributions have been prepared and submitted to the Preparatory Committee.

A. United Nations human rights mechanisms and treaty bodies

Special Rapporteurs and human rights mechanisms

57. The Preparatory Committee, in its decision PC.1/10, adopted at its first session (see A/62/375), requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, and other human rights mechanisms, including other special procedures, to assist the Preparatory Committee by undertaking review and submitting recommendations as contributions to the outcome of the Review Conference. Following receipt of a questionnaire sent by OHCHR pursuant to that decision, mandate holders and Special Rapporteurs provided contributions.

58. In their contribution (see A/CONF.211/PC/WG.1/5), the mandate holders[1] provided their responses to the six questions listed in the note verbale of 4 March 2008, circulated by OHCHR. In their answers, they focused particularly on the issues and themes relevant to their own mandates. Their responses were based on experience they garnered through the implementation of the core functions related to their mandate.

Committee on the Elimination of Racial Discrimination

59. During its seventy-second and seventy-third sessions, held from 18 February to 7 March 2008 and 28 July to 15 August 2008, respectively, the Committee on the Elimination of Racial Discrimination adopted concluding observations and recommendations on 15 periodic reports of States parties to the International Convention on the Elimination of all Forms of Racial Discrimination, after having held a dialogue with a Government delegation from each of those States. The Committee followed up on the implementation of its relevant recommendations through continuing correspondence with the States parties concerned, and encouraged reporting efforts by States parties whose initial or periodic reports were seriously overdue. The Committee reminded each State party with which it held a dialogue on the implementation of the Convention to continue to take into account the relevant parts of the Durban Declaration and Programme of Action in its implementation efforts, and to include in its next periodic report information on national action plans or other measures taken in this regard.

60. At the seventy-second session, the Committee also considered two individual communications submitted in accordance with article 14 of the Convention and adopted one opinion on the merits and a negative opinion on admissibility. In addition, under its early warning and urgent action procedure, the Committee considered a number of situations relating to patterns of discrimination on grounds of ethnicity, indigenous rights and discrimination against Roma, as well as legislative developments with a potential to undermine rights enshrined in the Convention. During its seventy-third session, the Committee also held a thematic discussion on the subject of special measures, within the meaning of articles 1 (4) and 2 (2) of the Convention, which was attended by representatives of the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, interested States parties and non-governmental organizations. In the light of the constructive discussion and the long-standing experience of the Committee with the subject of special measures, the Committee decided to embark

[1] The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the independent expert on minority issues; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to education; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; the Working Group on Arbitrary Detention; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the independence of judges and lawyers; and the independent expert on the question of human rights and extreme poverty.

on the elaboration of a general recommendation on the subject, which will be its thirty-second general recommendation.

61. Moreover, the Committee contributed to the preparatory process of the Durban Review Conference, including through the elaboration and submission, at its seventy-second session, of extensive replies (CERD/C/72/Misc.7/Rev.1) to the questionnaire prepared pursuant to decision PC.1/10 of the Preparatory Committee. In its replies, the Committee also drew attention to two studies that it had previously submitted to the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, which related to (a) the implementation of the International Convention on the Elimination of all Forms of Racial Discrimination and its effectiveness (E/CN.4/2004/WG.21/10 and Add.1); and (b) possible measures to strengthen implementation through recommendations or the update of its monitoring procedures (A/HRC/4/WG.3/7). The Committee requested that the two studies, together with the replies to the questionnaire and its general recommendations 28, 29, 30 and 31, adopted after the Durban World Conference, be submitted to the Preparatory Committee and participants of the Durban Review Conference for their consideration. The Committee also designated members to participate in the substantive sessions of the Preparatory Committee meeting and in the regional preparatory meetings for the Durban Review Conference.

Durban mechanisms

62. The Intergovernmental Working Group held the first part of its sixth session from 5 to 9 March 2007. Pursuant to decision PC.1/10, it submitted as contribution a document entitled "Compilation of conclusions and recommendations" containing the recommendations and conclusions adopted by consensus through the five sessions of the Working Group (A/CONF.211/PC.2/7). The compilation does not include the recommendations on complementary standards that fall under the domain of the Ad Hoc Committee on the elaboration of complementary standards.

63. The Ad Hoc Committee held the first part of its first session from 11 to 21 February 2008. Pursuant to decision PC.1/10, the Ad Hoc Committee submitted the conclusions and recommendations on complementary standards, adopted by consensus by the Intergovernmental Working Group at its sessions, compiled in one document.

64. Further to decision PC.1/10, the working group on people of African descent, at its seventh session, held from 14 January to 18 January 2008, reviewed the recommendations it had made at previous sessions in order to distil its contribution, which was submitted to the Preparatory Committee as part of the report on its seventh session (A/HRC/7/36).

B. Activities of the Office of the United Nations High Commissioner for Human Rights

Regional preparatory meetings

65. In its decision PC.1/11 of 31 August 2007, entitled "Preparatory meetings and activities at the international, regional and national levels" adopted by the Preparatory Committee during its organizational session, States and regional

organizations are called upon to hold international, regional and national meetings and/or to undertake other initiatives in preparation for the Durban Review Conference in line with its objectives.

66. The Latin America and Caribbean preparatory conference for the Durban Review Conference was held in Brasilia from 17 to 19 June 2008, on the occasion of the celebration of the Ibero-American Year against All Forms of Discrimination and the sixtieth anniversary of the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man. The conference adopted an outcome document that, inter alia, stresses the importance of broadening the spectrum of measures and policies to eradicate discrimination on the "grounds of race, colour, descent, national or ethnic origin, nationality, age, sex, sexual orientation, identity and expression of gender, language, religion, political opinions or those of any other nature, social origin, social and economic status, level of education, status as a migrant or asylum-seeker or refugee, stateless person, internally displaced person, or person living with an infectious or contagious disease or any other stigmatized physical or mental condition, genetic characteristic, physical or mental disability or any other condition which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of one or more human rights or fundamental freedoms enshrined in applicable international instruments".

67. The regional conference for Africa was held in Abuja, from 24 to 26 August 2008. Following the conference, the African delegates adopted an outcome document, which will constitute the continent's contribution to the Durban Review Conference of 2009. The meeting sought to take stock of how Africa as a whole, including Governments and individuals, has fared in implementing the Durban Declaration and Programme of Action.

68. The Abuja meeting document calls for renewed efforts in combating racism, discrimination and related issues, notably calling, among other things, on States to wage a systematic campaign against incitement to racial and religious hatred. It also emphasizes the urgent need to address the scourges of anti-Semitism, Islamophobia and Christianophobia, as contemporary forms of racism as well as racial and violent movements based on racism and discriminatory ideas directed at African, Arab, Christian, Jewish, Muslim and other communities.

Updating the anti-racism website

69. Following decision PC.2/9 of the first substantive session of the Preparatory Committee, requesting the High Commissioner, in her capacity as Secretary-General of the Durban Review Conference, to prepare and carry out, in close cooperation with the Department of Public Information of the Secretariat, a worldwide information campaign with a view to mobilizing support for the objectives of the Durban Review Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors, the OHCHR Communications Section, in collaboration with the Department of Public Information, prepared and began implementing an information campaign that includes information notes, poster, website, materials and briefings for media.

70. In implementing the decision of the Preparatory Committee, the OHCHR website dedicated to the anti-racism review process and conference was further enhanced with public information materials. The logo developed at the request of

the Preparatory Committee, and made available in four languages for the regional consultations in Brazil and Nigeria, was placed on the front home page of the website to facilitate quick and direct access to the relevant part of the website. The information campaign mentioned in the previous paragraph envisions the further development of the review process and conference website similar to that done for the World Conference against Racism (www.un.org/WCAR) in 2001. This dedicated review process and conference website would contain public information materials and all relevant documents and would be continuously updated up to and beyond the April 2009 conference.

Consultation with field presences in preparation for the Durban Review Conference

71. As part of its strategy to increase collaboration with United Nations country teams in preparation for the Durban Review Conference, OHCHR organized in Geneva a consultation with its field presences on 27 and 28 December 2007. The consultation was attended by OHCHR field representatives from 10 field presences, mainly in Africa and Asia, where sensitization on the Durban Process had been most deficient.

72. The consultation aimed at identifying means to improve dissemination of information and designing strategies by engaging field-based stakeholders and in particular country teams, to improve implementation of the Durban Declaration and Programme of Action, as well as contributing to the preparatory processes of the Durban Review Conference.

73. The two-day consultation ended with the elaboration of a plan of action spelling out concrete actions that could be undertaken in order to promote anti-discrimination initiatives, boost dissemination of information on the Durban process, and engage stakeholders to be involved in the review process. The plan of action also included measures to enhance collaboration with field offices and regional and international organizations such as Organisation Internationale de la Francophonie.

Commemoration of 21 March

74. Every year, the Office organizes a special event to commemorate 21 March as the International Day for the Elimination of Racial Discrimination. The theme of the commemoration for 2008 was "Dignity and Justice — the Cornerstones of Combating Racial Discrimination". The commemoration was organized jointly with the Organisation Internationale de la Francophonie.

75. OHCHR produced a flyer for the observance of 21 March that supports the year-long campaign commemorating the sixtieth anniversary of the Universal Declaration of Human Rights. The outreach material was circulated to OHCHR field offices, United Nations agencies and media; it was also posted on the OHCHR website. The overall objective of the flyer and its dissemination was to increase visibility of the commemoration of 21 March and OHCHR anti-discrimination actions in the field.

IV. Conclusions

76. Since the adoption of the 2001 Durban Declaration and Programme of Action many countries have demonstrated commitment to combating racism, racial discrimination, xenophobia and related intolerance. At the national level, nearly all constitutions guarantee the principle of equality and many countries have carried out reforms of their laws to eliminate those that are discriminatory. At the regional level, harmonization of national laws with European Union human rights principles, including the prohibition of racism and discrimination, have benefited indirectly the implementation of the Durban Declaration and Programme of Action.

77. While this yearly report offers an important platform to examine the implementation and impact of the Durban Declaration and Programme of Action, the Durban Review Conference will offer an opportunity for all stakeholders to assess the successes and shortcomings in their implementation and create strategies to facilitate the adoption of specific preventive and remedial measures. It is expected that such measures will contribute to alleviating social and economic marginalization and to strengthening development and equality through increasingly wider involvement of civil society and concerned constituencies.

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Subregional Centre for Human Rights and Democracy in Central Africa

Report of the Secretary-General*

Summary

The present report, submitted in accordance with General Assembly resolution 62/221, provides an overview of the work carried out by the Subregional Centre for Human Rights and Democracy in Central Africa and the most significant developments in its operations from September 2007 to August 2008. It provides details on activities carried out in the areas of capacity-building of Governments and civil society organizations in the region, technical cooperation and advisory activities, democracy, peace and security support, public information and dissemination of documentation, commemorative activities, including those relating to the sixtieth anniversary of the Universal Declaration of Human Rights, and the strengthening of partnerships with Governments, subregional organizations, civil society organizations and United Nations agencies.

* The present report was submitted after the deadline in order to reflect recent developments.

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I. Introduction

1. The Subregional Centre for Human Rights and Democracy in Central Africa was established in 2001 at the request of the member States of the Economic Community of Central African States (ECCAS), pursuant to the resolution adopted by the United Nations Standing Advisory Committee on Security Questions in Central Africa at its fourth meeting, in April 1994 in Yaoundé, as well as General Assembly resolutions 53/78 A and 54/55 A. Its mandate is to contribute to capacity-building in the area of promotion and protection of human rights, to support the establishment and strengthening of national human rights institutions and to assist in the dissemination of and sensitization to international human rights instruments. The Centre is also mandated to promote democracy and the rule of law throughout the subregion and to work towards the prevention of conflicts and the promotion of sustainable peace and development.

2. The Centre operates under the auspices of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the High Commissioner officially inaugurated the Centre in June 2002. It is currently staffed with a Director, a Regional Adviser for Democracy, one Human Rights Officer, a National Programme Officer in charge of the library and databases, and four assistant-level local staff (two were recruited after the adoption of General Assembly resolution 62/221).

3. In response to the request of the General Assembly contained in its resolution 62/221, an additional amount of $520,100, consisting of (a) $381,100 under post resources for the establishment of two new posts (one P-3 and one Local level) and the conversion of three Local level and one National Officer posts; and (b) non-post resources of $139,000, was approved by the Assembly to be accommodated within the resources provided under Section 23, Human Rights, of the programme budget for the biennium 2008-2009. The total resources approved for the Centre under section 23, Human Rights, of the programme budget for the bienniun 2008-2009 amounts to 9 posts (4 Professional, 1 National Officer and 4 Local level) and $584,500 in non-post resources. In addition, the Centre is supported by extrabudgetary resources of approximately $365,000 and two associate experts. The recruitment of two international Professional staff is currently being finalized.

II. Human rights and peace and security

4. Since the Centre's establishment, States of the subregion have become more aware of human rights. They have increased their engagement in the promotion of human rights and enhanced collaboration with OHCHR. Further, civil society organizations' work, which is supported by OHCHR, added to this positive development. Most of the States of the subregion have ratified the core international human rights instruments, are in the process of doing so or have declared their intention to do so. Most of the Governments of the subregion have created human rights departments or ministries, as well as national human rights institutions,[1]

[1] The national human rights institutions were established to differing degrees of conformity with the Paris Principles related to the status of national institutions for the promotion and protection of human rights.

which, however, generally concentrate more on promotion and sensitization programmes than on monitoring and protection of human rights.

5. The justice systems and the prison administration have only recently received more attention from the countries of the subregion. Nonetheless, they generally suffer from insufficient budget allocation, lack of qualified personnel, and inadequate premises and equipment, which in most cases leads to a considerable backlog of lawsuits. Delivery of justice is often not exempt from undue intervention by executive powers, and some national legislation still needs to be adapted to international standards. Some initial signs of progress have been observed, for example, Cameroon adopted a new code of penal procedure in 2007, which has been widely welcomed as respectful of human rights, and in September 2007 the Government of Gabon officially abolished the death penalty, which it had not practised for the past 20 years.

6. Prison conditions, which are frequently characterized by severe overcrowding and life-threatening conditions, are also a matter of concern. Allegations of ill-treatment of detainees, as well as cases of deaths in custody as a consequence of the excessive use of force or use of firearms, have been received. To remedy this situation, States of the subregion have declared their intention to invest in new prisons, to be administered according to international standards. They have also taken steps to update their penal legislation so as to include forms of redress other than imprisonment or fines. Some countries have also sought the technical support of the Centre in bringing their legislation pertaining to the administration of justice into compliance with international human rights standards. Such efforts are and will continue to be supported by the Centre and disseminated in the subregion.

7. The general level of conflict situations has continued to decline in the subregion, with the exception of Chad. In the Central African Republic, on 26 June 2008 the rebel movements concluded a comprehensive peace agreement; however the Centre is concerned about the provision that includes amnesty for war-related crimes. In Burundi, the leader of the armed opposition movement (FNL-Palipehutu) signed a peace agreement on 26 May 2008. Continuous efforts are being made to encourage local militia groups in the eastern Democratic Republic of the Congo to disarm and peacefully reintegrate into society. In the triangle of the larger areas adjacent to the borders between Cameroon, Chad and the Central African Republic, widespread banditry is the major cause of mass displacement, particularly in the Central African Republic. The 14 August 2008 return of the Bakassi peninsula and adjacent island zones to the sovereignty of Cameroon is being closely observed by the Centre, as groups of local inhabitants are opposing the decision of the International Court of Justice and the area has become a hideout for traffickers, rebels and bandits during the interim period.

8. While in some States responsible critical expression by the media is largely tolerated, in others it is not. In some countries of the subregion, journalists have been subjected to arrest, and print publications and broadcasting stations have been closed down, at least temporarily, limiting pluralistic, public debate, which is essential to democracy and progress. Such constraints were often imposed on the basis of a narrow interpretation of legislation on defamation. Similarly, the space in which civil society organizations operate differs from country to country, although their important social role is now widely recognized and they are able to operate and express their views publicly.

9. Local and legislative elections have taken place in Cameroon, the Congo, Equatorial Guinea and Gabon. In general, voter turnout was very low, and problems regarding the timely delivery of voter registration cards, the independence of the election commissions and the general lack of transparency were reported. Moreover, the establishment of an effectively independent, credible election commission remains a challenge in all countries of the subregion.

10. Discrimination in all its forms deserves particular attention from government as well as civil society. Although all Governments of the subregion have ministries for women's empowerment, much remains to be done to efficiently address issues of gender equality. Discriminatory laws have in many instances been identified and steps are being taken by Governments to review their legislation and ensure compliance with the Convention on the Elimination of All Forms of Discrimination against Women. Implementation of the principles of equality, however, remains a major challenge, particularly regarding women's rights, the rights of people living with disabilities and indigenous peoples. Traditional cultural practices can sometimes be prejudicial to women's rights and need to be addressed through public debate, legislation and monitoring. Violence against women is also a recurrent phenomenon that needs proper attention from Governments, civil society and communities, through legislative and repressive measures as well as through public awareness campaigns. Discrimination against indigenous peoples, such as the Pygmies, Mbororo, the Khoisan in southern Angola and the Batwa in Rwanda, has been understood by several Governments of the subregion as an issue to be urgently addressed. Yet few specific measures have been taken to improve their enjoyment of economic, social and cultural rights, such as the right to access to land, health, education and clean water.

11. Migration caused by conflict and by economic hardship, remains a matter of serious concern in the subregion, as does trafficking of human beings, including child trafficking. Lucrative trafficking activities originating in West Africa are moving into the subregion. The Centre, in collaboration with ECCAS, will address this issue in a workshop in which representatives of West African States have expressed interest in participating. Furthermore, in some countries of the subregion, illegal migrant workers have been exposed to inhumane treatment, and the Centre has received allegations of deadly incidents during arrest, detention or expulsion by authorities. Several Governments of the subregion have expressed their readiness to engage in a serious fight against such practices and to develop regional policies that could help address the issue globally, including improved control of borders, enhanced police cooperation, including with INTERPOL, a public information campaign and better identification and protection of victims.

III. Activities carried out from September 2007 to August 2008

A. Human rights activities

12. In its three-year strategy for the period 2007-2009, the Centre focuses on countries where OHCHR does not have a presence and where the Department of Peacekeeping Operations has not set up a peace operation with a human rights component. Given its resources, until 2009 the Centre will focus its activities on Cameroon, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe.

Nonetheless, all countries of Central Africa are addressed in the Centre's activities regarding capacity-building, sensitization programmes, particularly on transitional justice, peace and security, human trafficking and other subregional issues.

13. In February 2008, subsequent to the violent demonstrations against the increase in fuel prices and the cost of living in various areas of Cameroon, Centre staff met with government and civil society representatives, journalists and lawyers in order to get an understanding of the underlying causes of the protests and the handling of the outbreak of violence by the authorities. On the basis of those meetings and the meeting with the Ministry of Foreign Affairs, the Centre will discuss with the Government later this year how to support different government entities, particularly security forces, in respecting human rights standards when responding to violent riots.

14. Women's rights, women's empowerment, violence against women and gender-based discrimination continued to be high on the Centre's 2007-2008 agenda. On 27 November 2007, during the week marking the celebration of the twelfth International Day for the Elimination of Violence against Women, the Centre organized, under the patronage of Cameroon's Minister of Women's Empowerment, training and discussion sessions on empowering widows and orphans in the exercise of their specific rights. The Centre also actively supported a project of the association Women in Alternative Action (WAA) aimed at reviewing discriminatory clauses of Cameroonian legislation that contravene the 1996 Constitution and the Convention on the Elimination of All Forms of Discrimination against Women. On 18 January 2008, the Centre hosted and participated in a discussion organized by WAA with the objective of establishing a list of such laws and of proposing amendments that would then be submitted to the parliament for consideration and action. Through training sessions and seminars supported by the Centre's outreach and information materials, WAA encourages women to create their own sources of revenue and sensitizes women and girls to HIV/AIDS issues. Gender and human rights was also the subject of a two-day training event for trainers from the Ministry of Family, Social Affairs and Health and the Ministry of Women Affairs, as well as journalists, organized by the Centre in the Congo in November 2007. The participants agreed to be responsible for training other non-governmental organizations (NGOs) and civil servants to include gender and human rights perspectives in their programming and to develop a campaign on violence against women in collaboration with the "Programme d'appui à l'émergence et au développement" project of the European Union. In June 2008, during a mission of the Centre to Brazzaville, eight participants from the ministries who had received training in November 2007 acted as trainers for staff of their respective ministries on the rights of women, gender-based discrimination and gender equality. That training programme is to be followed by several training sessions on the same issues, particularly in the provinces of the Congo.

15. On 20 November 2007, on the occasion of the eighteenth International Children's Day, the Centre organized an open-door day for 50 high-school students, who learned about the Convention on the Rights of the Child and entered into discussions on their rights. On 11 April 2008, child trafficking and child labour were the themes of a workshop jointly organized by the Centre and the African Women's Association of Cameroon. The Centre made a presentation on the Convention of the Rights of the Child, its second Optional Protocol and the Palermo Protocol, and on the United Nations Special Rapporteur on trafficking in persons, especially women

and children. Throughout the year, the Centre continued to raise the issue of children's rights with the relevant ministries of Cameroon, the Congo and Gabon. The Centre has, moreover, regularly advised ministries and civil society members in the region on human rights standards and the obligation of States to promote and protect child rights. In October 2008, the Centre plans to hold a regional consultation in Gabon to support countries of the subregion in furthering child rights and in starting a public debate on actions to be taken to improve the current situation.

16. Following a complaint to the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people by a group of residents of the Mezam Department (north-west Cameroon) alleging that their right to choose their own traditional leader had been violated when a chief from the State administration was imposed, a team from the Centre visited the area, met the local authorities and advised them to make sure that the rights of both communities were respected in addressing issues of traditional and local governance, as well as land issues. The Centre works with indigenous groups to enhance their capacity to deal with such problems. To that end, the Centre manages a subregional network of indigenous peoples who regularly exchange information and ideas. In March 2008, the Centre started an Internet information network for indigenous peoples and minorities from Central Africa. More than 100 individuals, mainly indigenous leaders from Central Africa and other countries, are on the mailing list and receive and exchange information on a regular basis on indigenous and minority issues in the subregion (e.g., indigenous fellowships at OHCHR, local NGO initiatives for the promotion of indigenous rights, invitations to seminars, sharing of documentation).

17. Following the celebration of the sixteenth International Day of Persons with Disabilities, on 3 December 2007, the Cameroonian Ministry of Social Affairs set up an inter-ministerial preparatory committee with five subcommissions, in which the Centre actively participated. The commissions examined questions relating to the legal framework, social and economic reintegration, health, education, public information and infrastructure.

18. Human rights education being one of the most consistent ways to promote a culture of human rights, in May 2008 the Centre joined the Islamic Educational, Scientific and Cultural Organization to organize a seminar attended by 15 education professionals from five African countries, including Cameroon and Chad, on the introduction of human rights education in primary and secondary schools. The participants formulated several recommendations, including the integration of human rights education into national policies and legislation, the dissemination of the United Nations action plan on human rights education and the enhancement of the effectiveness of human rights education in primary and secondary schools.

19. Since September 2007, the Centre has conducted over 10 training sessions for Cameroonian police and gendarmerie officers. Furthermore, the Awae Centre de perfectionnement aux techniques de maintien de l'ordre requested the support of the Centre to include human rights training sessions in its courses for police officers from countries of ECCAS, including some who were preparing to be deployed to peace missions. During the training, emphasis was put on human rights during inquiry, arrest and detention. Moreover, in April 2008, the Centre and the Cameroon

Association of Human Rights, Democracy and Peace organized a seminar on the rights of people in detention for Cameroonian police and civil society organizations.

B. Democracy and rule-of-law activities

20. As several countries of the subregion are going through transitional processes, the Centre invited experienced civil society representatives to a workshop on transitional justice in June 2007. Follow-up training funded by the Swiss Government was implemented in May 2008 to deepen their substantive knowledge and develop their training skills. At the initiative of the Centre, the group created a regional network on transitional justice to share information, reference documents and training materials. The network is managed by the Centre and is currently very active in terms of discussion, experience and information-sharing. For example, the members of the network in the Central African Republic and the Democratic Republic of the Congo worked together closely following the 24 May 2008 arrest of Jean-Pierre Bemba on an International Criminal Court arrest warrant.

21. In October 2007, the Centre hosted an international forum on democracy in Africa, which was jointly organized by Cameroon Solutions, a national platform of NGOs working on human rights and democracy, and was attended by 50 delegates from Central, Southern, West and North Africa. The forum was aimed at assessing democratic practices in Africa from the 1990s. For three days, panellists from universities, Governments and civil society discussed a range of topics, such as democracy and development, democratic transitions in post-conflict periods, free and fair electoral systems and support for democracy by the international community.

22. In December 2007, the Centre organized a consultation with NGOs from the Central African Republic and Chad on their perspectives on the conflict situation and their views on how they could assist in re-establishing the dialogue between the different groups through capacity-building exercises related to conflict resolution, mediation and peacebuilding. That meeting led the Centre to increase its number and level of contacts in both the Central African Republic and Chad and to develop a network of dedicated individuals that would be the Centre's focal points for conveying documentation and outreach materials related to human rights and democracy to communities.

23. The Centre manages the joint OHCHR/United Nations Development Programme (UNDP) "Assisting community together" programme, which is aimed at increasing democracy and human rights awareness among NGO stakeholders in Cameroon. There are six NGOs benefiting from this project, which has come to the end of its fifth phase; Cameroon has been selected for the sixth phase. The role of the Centre is to advise NGOs and support the building of their capacities to develop human rights education programmes and to integrate human rights-based approaches into their projects.

C. Advisory services and technical cooperation

24. In August 2007, the Centre held a day of consultations with officials from six Cameroonian ministries, including the Prime Minister's Office, and the National

Commission of Human Rights and Freedoms. The meeting enabled them to identify avenues of collaboration on human rights and democracy issues in Cameroon.

25. In October 2007, the Centre organized a five-day training workshop attended by 18 Government officials from Cameroon, the Congo, Equatorial Guinea and Gabon on reporting to treaty bodies and following up their recommendations, as well as the work of special procedures. Until 2009, the Centre plans to carry out activities in each of the four countries to follow up that training.

26. The Centre extended its advisory services to the Cameroonian National Commission of Human Rights and Freedoms. On 18 October 2007, the Centre hosted a one-day training session for the Commission's newly appointed focal points in the different ministries and Commission members on human rights monitoring within their respective areas of competence. The Centre furthermore contributed advice on the development of the Commission's nationwide capacity-building project on human rights, implemented in cooperation with UNDP.

27. Promoted by the Centre and endorsed by the Government in 2006, the Cameroon National Human Rights Action Plan continued to be drafted by a steering committee composed of experts from the National Commission of Human Rights and Freedoms, the Government, academics and civil society with technical assistance from the Centre. Starting with an analysis of the social, economic, political, legal, cultural and institutional context of the country, the plan comprises five major sections on civil and political rights, economic, social and cultural rights, rights related to human security, the rights of the most vulnerable groups and the mechanisms of adoption, implementation and evaluation. On 17 and 18 June 2008, during a validation workshop, the Centre made a series of suggestions related to protection of human rights in cases of natural disaster, conflict and the rights of refugees, migrant workers and persons deprived of their liberty, as well as budget allocations and the establishment of baseline data. The final draft of the National Human Rights Action Plan will be submitted to the Government and the parliament for adoption in the form of a law.

28. During a mission to the Congo, from 2 to 18 February 2008, the Centre held meetings with the Minister of Professional and Technical Education, the President of the Congolese National Assembly, the National Human Rights Commission, the Minister in charge of security and the Ministry of Women's Empowerment and Integration of Women into Development Actions. The mission had as its objectives the support of the national human rights plan, which includes the creation of a national body to monitor the rights of the child, the gathering of disaggregated data on children's issues and support for reporting to the Committee on the Rights of the Child. It was also aimed at enhancing the National Human Rights Commission and at building the capacity of government officials and journalists on discrimination and gender issues.

D. Promotion of peace and security in Central Africa

29. Together with other heads of United Nations agencies, the Centre took part in a meeting of the Cameroon-Nigeria Mixed Commission under the chairmanship of the Special Representative of the Secretary-General for West Africa on 26 May 2008. The meeting examined the process of the delimitation of the border between Cameroon and Nigeria, including the return of the Bakassi peninsula to

Cameroonian sovereignty, on 14 August 2008, and focused on specific issues such as security and the consequences for the local population affected by that change of sovereignty. The Centre emphasized that human rights needed to be mainstreamed and respected in the course of that process and its aftermath, and it offered to provide advice and technical support.

E. Internship programme

30. The Centre further developed its internship programme for graduate students, government representatives, civil servants and civil society members. The Centre invited 12 interns from the region who had been contributing to its substantive and administrative work. Interns included human rights students, security forces officers, teachers, administrators and information technology specialists. They were all exposed to human rights issues and worked for a minimum of two and a maximum of six months. They came from Cameroon, the Central African Republic and Chad. Because of the Centre's location, the demand is high in Cameroon, and the Centre continues to encourage other countries of the subregion to submit applications for qualified interns.

F. Information, sensitization, and documentation

31. Providing information on human rights and on the work of the Centre to Governments, civil society networks and the public in general is an essential part of the Centre's strategy. Therefore, the Centre continued to invite civil society organizations, students and the interested public to informative debates, conferences and special days on various human rights and democracy subjects, such as racial discrimination, the right to clean water, United Nations peace operations or commemorations of international days. The Centre maintains and regularly updates its website, which contains broad information on the Centre, its activities and its resources, as well as OHCHR activities and other related human rights and democracy debates, reports and trends. The website has received an average of 500 visitors per week since its inception in March 2007. The Centre has recently developed discussion forums on human rights and democracy.

32. The Centre collects a weekly selection of press clippings from the subregional and international press and shares them with a list of approximately 4,500 contacts from the subregion and beyond. It also ensures information flows among its four main networks (on indigenous peoples, media, transitional justice and gender-based discrimination) and other less formal groups established in the framework of the implementation of its strategy.

33. The Centre maintains a small reference library. During the period under review, 1,700 visitors consulted human rights and democracy documents, accessed human rights websites, sought the advice of the Centre on issues related to their studies or raised questions in relation to their own knowledge or concerns about human rights and democracy.

34. The celebrations of the fifty-ninth anniversary of the adoption of the Universal Declaration of Human Rights and the launch of the year-long awareness campaign in relation to its sixtieth anniversary were, as every year, a prominent occasion to draw the attention of key decision makers, development cooperation partners, civil

society, students and the general public to universal human rights. On 7 December 2007, the Centre organized an open-door day for 120 students from various schools in celebration of the Universal Declaration. On 10 December, the Centre and 200 Government officials and stakeholders (diplomatic missions, heads of United Nations agencies, civil society representatives and journalists) participated in an official ceremony in which Cameroonian artists presented a painting exhibition on the themes of torture, migration and violence against women. Promotional materials, including booklets containing the Universal Declaration, calendars, posters, stickers and T-shirts, were distributed to support the Centre's public information and awareness plan, which also included participation in private and public media through articles, interviews and broadcast programmes. A conference on the theme "Universality of human rights: dignity and justice for all", attended by university students, academics and civil society leaders, concluded the celebrations. On 16 July 2008, in the framework of the celebrations of the sixtieth anniversary of the Universal Declaration, the Centre coordinated a conference and debate on the eradication of torture in detention centres, conducted jointly with the Ministry of Justice, two Cameroonian NGOs (Action chrétienne contre la torture and Centre for the Rehabilitation of Victims of Torture) and the British High Commissioner in Cameroon, and with the contribution of the National Commission of Human Rights and Freedom of Cameroon.

35. Regular contacts with the media helped the Centre to remain high on the public agenda. Part of the Centre's strategy is to provide journalists with the knowledge and tools to include a human rights perspective in their daily work, to support public human rights education programmes and to keep the public informed on human rights issues. The Centre organized training workshops on gender-based violence for journalists in Gabon, Cameroon, and the Congo in July 2007, February 2008 and June 2008, respectively, and convened another workshop on the use of the human rights-based approach to journalism with a group of 25 Cameroonian journalists from private and State print and audio-visual media in July 2008. In addition, the Centre held a three-day workshop on national legislation on journalism, press freedom, the protection of journalists and the issues of professional ethics, deontology and defamation, in Bangui.

IV. Development of partnerships

A. Collaboration with regional organizations

36. On 12 and 13 November 2007, an expert meeting on indigenous peoples' rights and the implementation of the Second International Decade of the Worlds' Indigenous People took place in Brazzaville, organized by OHCHR and the Centre in collaboration with the African Commission on Human and Peoples' Rights. The International Working Group for Indigenous Affairs, the Indigenous Peoples of Africa Coordinating Committee and the Department for Political Affairs of the African Union were also among the organizers. Indigenous representatives from all African regions participated in an exchange of views and experience on the implementation of the Second International Decade of the World's Indigenous People in Africa and the United Nations Declaration on the Rights of Indigenous Peoples. The meeting discussed best-practice models, identified challenges and

elaborated recommendations, including on the creation of a network, later created and managed by the Centre as described in paragraph 16 above.

37. The Centre participated in the ninth ECCAS summit, held in Yaoundé on 24 and 25 June 2008. The summit took stock of the number of obstacles slowing down the regional integration process and adopted several decisions to advance the development of common Community institutions. An ECCAS parliament is now scheduled to be set up in 2009, a common passport allowing free circulation within the Community is to be introduced on 1 January 2010 and preparatory work on the projected common airline to improve intra-Community links is to be sped up. The Centre was able to start discussions with the newly created Human Rights Committee of ECCAS, with which it intends to develop joint programmes on human trafficking, small arms circulation and general human rights issues.

38. In November 2007, representatives of the Centre attended the forty-second ordinary session of the African Commission on Human and Peoples' Rights in Brazzaville. On that occasion, it organized group discussions and a training programme for NGOs on the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples.

39. The relationship between the Centre and ECCAS, which is formalized in a memorandum of understanding is currently being strengthened by the preparation of a joint child-trafficking conference aimed at giving more visibility to the issue, enhancing cooperation among States and developing effective joint programmes.

B. Collaboration with the diplomatic community, donors and civil society organizations

40. The Centre has developed strong ties of cooperation with civil society organizations in Burundi, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea and Gabon, and especially with Cameroon, which is favoured by the fact that the Centre is based there, and also by the very active involvement of its ministries in the Centre's work. The Centre has invested in building the capacity of civil society and private institutions, which it is doing side by side with mid-level government actors to ensure the development of a relationship and improved understanding between the two groups and enhance cooperation, particularly with regard to treaty body reporting and in preparation for the upcoming universal periodic review.[2] More than 100 NGOs in the subregion, along with government officials, have participated in more than 25 human rights capacity-building activities throughout the reporting period, while more than 1,000 NGOs and 3,000 contacts have received information and outreach materials. The Centre's staff contributed to and supported about 50 activities led by government and/or civil society organizations.

41. The Centre developed close relationships with the International Organization of la Francophonie, with which it organized two press conferences in Gabon and a joint programme to train journalists on the use of the human rights-based approach to reporting in the Congo.

[2] Cameroon: fourth session of the Human Rights Council, 2-13 February 2009; Congo, Central African Republic and Chad: fifth session, 4-15 May 2009; Democratic Republic of the Congo and Equatorial Guinea: sixth session, 30 November-11 December 2009.

42. The Centre strengthened its cooperation with the Government of Switzerland, with which it organized a day of consultation with NGO representatives from the Central African Republic and Chad on democratization processes, governance, conflict resolution and mediation between belligerents. The Centre has also greatly increased its bilateral partnerships, notably with the Netherlands and France, both of which fund Junior Professional Officer posts and actively support the Centre's programmes in the region, but also with the United Kingdom of Great Britain and Northern Ireland, which has contributed both funds and human resources to its promotional and sensitization activities relating to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Centre has developed close relations with the European Union both in Cameroon and in the Congo, carrying out a joint project for a human rights journalism prize in Cameroon and a joint capacity-building programme for journalists in the Congo.

C. Collaboration with United Nations agencies

43. The Centre has been working in close partnership with the United Nations country teams in the subregion and has enjoyed their substantial support in the implementation of its regional activities. In Cameroon, the Congo and Equatorial Guinea, the Centre has developed a close relationship with, and has now become a permanent part of the United Nations country teams, being regularly involved in and consulted on their planning, work and activities. In June 2008, the Centre participated in a strategic meeting of the United Nations country team in Equatorial Guinea, held in Morocco, where it was decided that the Centre would take part in a capacity-building programme on HIV/AIDS and human rights and on the rights of migrants. It was also agreed that the Centre would play an advisory role in the implementation of the UNDP-administered trust fund on human rights in Equatorial Guinea and that a joint mission of the Centre and United Nations country team members to Equatorial Guinea to meet the Government would be organized.

44. In Cameroon, the Centre is also part of the United Nations Communication Group, composed of the public information officers of United Nations agencies, which has developed a common communication strategy for United Nations work in the country.

45. The promotion of gender equality and the prevention of violence against women has been a common concern of United Nations agencies in Cameroon, and the Centre contributed to related activities. In November 2007, the Centre joined a United Nations country team meeting to discuss the guidelines on the collection of information for the drafting of a report on the Convention on the Elimination of All Forms of Discrimination against Women for Cameroon, as well as the work schedule. The United Nations Development Fund for Women office in Cameroon coordinated the report, while agencies were asked to provide information based on the articles of the Convention relating to their work. The various activities related to the celebrations of International Women's Day, 8 March 2008, were prepared in a joint effort of United Nations agencies, in close cooperation with the Cameroonian Ministry of Women's Empowerment and the Family. In this framework, journalists and NGO representatives were invited to a ceremony co-chaired by the Ministry, the United Nations Resident Coordinator and the director of the Centre. During a press conference the attention of media professionals was drawn to the need to participate

in the fight against impunity for the rape of women and girls and the relevance of press reports on issues related to violence against women.

46. The United Nations Children's Fund, the International Labour Organization and the Centre joined in a common project to assess the situation of indigenous peoples in Cameroon and develop programmes to support its improvement. From 10 to 12 April 2008, the Centre took part in a workshop on the contributions of the Baka and Mbororo people, two marginalized/vulnerable groups, in the participative consultations held by the Cameroonian Government with a view to the elaboration of a new poverty reduction strategy paper. In June 2008, the three agencies carried out a joint mission to eastern and southern Cameroon in order to assess the living conditions of those groups. The team met with local administration officials, civil society, and the Baka and Mbororo communities and concluded that both groups suffer from discrimination and limited access to education, health care, water, sanitation and property.

47. In November 2007, the Centre actively participated in a meeting organized jointly by UNDP and the Cameroonian Ministry of Economy, Planning and Regional Development in order to discuss poverty reduction efforts and to initiate a subsidy programme for 93 rural communities, with special attention to women and people affected or infected by HIV/AIDS.

48. The Centre furthermore regularly contributed to discussions related to the difficult humanitarian and human rights conditions in the far north of Cameroon, characterized by famine, drought, low standards of living and poor social services.

V. Conclusions and recommendations

49. **The strategy undertaken by the Centre in 2006 is starting to bear fruit. The Centre has become very visible and is trusted by credible national and regional organizations to provide input, advice and expertise. Relationships with the Governments in the subregion have been enhanced and clear counterparts in the relevant ministries have been identified. The Centre receives many more requests for technical cooperation, training and legal advice than its capacity allows it to respond to, despite the increase in staff and financial resources. Compared to 2007, when the Centre received only one request for technical cooperation, in 2008 four Governments and one subregional network expressed interest in technical cooperation with the Centre. Furthermore, the Centre has advanced the implementation of the memorandum of understanding with ECCAS, in particular regarding child rights, peace and security and general human rights training.**

50. **The Centre will continue to increase its coordination with United Nations country teams to ensure that the human rights-based approach is a common aspect of all United Nations programming in the region, thus allowing better knowledge of and improved targeted actions towards the most vulnerable people. Moreover, the Centre will further develop its democracy and transitional justice programmes to achieve broader understanding of these issues and make them useful tools for the political peacebuilding processes and transitions currently happening in Central Africa. The Centre continues to broaden its impact on gender-based discrimination and gender-based violence through long-term capacity-building and outreach programmes.**

51. **Furthermore, the Centre will enhance its coordination with Governments and civil society organizations on the one hand and with regional and international partners on the other hand to achieve sustainable results and impact. Finally, the Centre will continue to advise Governments of the region and support their efforts to become fully open to human rights protection work and allow both the Centre and the United Nations special procedures to support their efforts in this field of work.**

52. **The Centre will take all the above into account when preparing its new strategy in 2009. In the short term, special focus will be put on building the capacity of indigenous peoples in relation to racism and discrimination; the training of security forces and prison administrations in Cameroon, the Congo and Gabon on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; addressing human trafficking, including trafficking of children, in collaboration with ECCAS; supporting public sensitization campaigns on violence against women; and following up on capacity-building activities organized in 2008. The Centre will also continue its work in the field of peace and security and increase its support for the Standing Advisory Committee on Security Questions in Central Africa. It will also continue its close technical advice to and support for national human rights institutions in the region, particularly in Cameroon, the Congo, Equatorial Guinea and Gabon.**

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Question of Palestine

Security Council
Sixty-third year

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 62/83 of 10 December 2007. It contains replies received from the President of the Security Council and the concerned parties to the notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 20 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward with a view to achieving a peaceful settlement. The report covers the period from September 2007 through August 2008.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 62/83 of 10 December 2007.

2. On 1 June 2008, pursuant to the request contained in paragraph 20 of the above-mentioned resolution, I addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 62/83, which the General Assembly adopted on 10 December 2007, at its sixty-second session, under the agenda item 'Question of Palestine'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 30 June 2008."

3. On 1 July 2008 the following reply was received from the Security Council:

> "The goal of achieving a peaceful settlement of the question of Palestine remains one of the major challenges facing the international community, including the Security Council.
>
> "The Security Council considers the situation in Palestine each month under an agenda item entitled 'The situation in the Middle East, including the question of Palestine', with general presentations in the form of briefings by either the Under-Secretary-General for Political Affairs or the Special Coordinator for the Middle East Peace Process, followed by an open meeting of the Council or by consultations among the Council members.
>
> "On 29 August 2007, the Security Council held an open debate on the situation in the Middle East after hearing a briefing by the Special Coordinator for the Middle East Peace Process, Michael Williams, on recent diplomatic efforts and the United States-sponsored international meeting to be held in the fall.
>
> "On 20 September 2007, Council members heard a presentation by Lynn Pascoe, Under-Secretary-General for Political Affairs. The briefing was followed by consultations on the situation in the Middle East, during which Member States discussed ongoing bilateral dialogue between Ehud Olmert, the Prime Minister of Israel, and Mahmoud Abbas, President of the Palestinian Authority. Members also discussed the current trip to the Middle East of Condoleezza Rice, Secretary of State of the United States, and Israel's characterization of the Gaza Strip as an 'enemy entity'.
>
> "On 24 October 2007, Under-Secretary-General Pascoe delivered the monthly briefing on the situation in the Middle East, expressing optimism about the level of dialogue between the parties on the Israeli-Palestinian track while also expressing concern about the situation on the ground. In the closed consultations that followed, Council members welcomed the upcoming United States-sponsored Middle East meeting in Annapolis and the ongoing efforts of Secretary Rice. The Council also discussed regional efforts to promote peace and the humanitarian situation in Gaza.

"On 29 and 30 November 2007, the Security Council held closed consultations on the Middle East peace process, specifically addressing the joint understanding that had been reached at the Annapolis conference. On 30 November, the Council also held an open session, during which Council members were briefed by Under-Secretary-General Pascoe on the Annapolis process, efforts of the Quartet, and the upcoming Paris donors' conference.

"On 21 December 2007, a presentation by Under-Secretary-General Pascoe was followed by consultations on the Middle East. The Under-Secretary-General remarked on the latest developments in the peace process, stressing that, since the Annapolis conference, bilateral negotiations between Israel and the Palestine Liberation Organization had commenced and that strong international engagement had been reflected in a donors' conference, a Quartet meeting and a meeting between the Quartet and members of the League of Arab States, all held in Paris on 17 December. At the same time, he stated that developments on the ground, including new settlement activity and ongoing violence, had been a cause of concern.

"On 22 January 2008, Council members held a debate on the situation in Gaza after public statements were delivered by Under-Secretary-General Pascoe about the 18 January closure of the Gaza Strip. The Under-Secretary-General briefed the Council on the latest regional developments, stressing the deterioration in the humanitarian situation in Gaza and southern Israel.

"On 23, 24, 25 and 29 January 2008, the Council met for consultations on the situation in Gaza.

"On 30 January 2008, following an update on the humanitarian and economic situation by Under-Secretary-General Pascoe, the Security Council met for an open debate on the situation in Gaza. Council members expressed concern about the situation in Gaza and southern Israel and its humanitarian repercussions.

"On 26 February 2008, Robert Serry, Special Coordinator for the Middle East Peace Process, and John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, briefed the Council, providing detailed descriptions of the political, humanitarian, security and socio-economic situation in the Palestinian territories. Following the briefing, Council members met for closed consultations to discuss the impact of the situation on the ground on the Annapolis process.

"On 28 February 2008, the Council held consultations to continue the discussion of ongoing violence in Gaza and southern Israel.

"On 1 March 2008, the Secretary-General, Ban Ki-moon, addressed an emergency meeting of the Security Council to discuss the escalation of violence in Gaza and southern Israel. The Secretary-General condemned the violence and the excessive use of force and called on both sides to respect international humanitarian law, exercise restraint and restore order. He also expressed concern that the violence could have a negative impact on the negotiation process. The Council also heard from the Palestinian and Israeli delegations before holding closed consultations.

"On 6 March 2008, consultations were held on the situation in the Middle East.

"On 25 March 2008, the Secretary-General expressed alarm about the prospect of renewed violence in Gaza and southern Israel and beseeched the parties and international community to support the Israeli-Palestinian negotiations. Following the Secretary-General's remarks, Under-Secretary-General Pascoe delivered a briefing on recent developments, which was followed by an open debate focusing on the difficult situation on the ground, the role of the United Nations and the Security Council, settlement activity, Israeli military operations and rocket attacks.

"On 23 April 2008, the Security Council heard a presentation from Angela Kane, Assistant Secretary-General for Political Affairs, during which she spoke about efforts to advance the political process through direct bilateral negotiations, recent attacks in Gaza and southern Israel, the worsening humanitarian situation in Gaza and an upcoming Quartet meeting. Her remarks were followed by closed consultations.

"On 28 May 2008, the Council heard a presentation from Mr. Serry, the Special Coordinator for the Middle East Peace Process, who spoke about 'fragile' progress on the Israeli-Syrian and the Israeli-Palestinian tracks. In closed consultations, Council members discussed the Israeli closure of Gaza, rocket fire out of Gaza, Israeli military operations and the ongoing Annapolis process.

"On 27 June 2008, Lisa Buttenheim, Director of the Asia and Pacific Division of the Department of Political Affairs, briefed Council members about positive but fragile developments in the Middle East. She welcomed the recent truce between Israel and Hamas but noted with concern breaches of the ceasefire by both parties. She also spoke about the continuing closure of Gaza and the deteriorating humanitarian situation there, about concerns regarding Israeli settlement activity in the West Bank, and about the 24 June meeting of the Quartet. Ms. Buttenheim's briefing was followed by closed consultations.

"The Council continues to pay close attention to developments in the situation in the Middle East; the next meeting on this question is scheduled to be held on 22 July 2008."

4. In a note verbale dated 28 April 2008 to the parties concerned, I sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 31 August 2008, replies had been received from Israel and the Palestine Liberation Organization. The note verbale dated 30 July 2008 from the Permanent Mission of Israel to the United Nations reads as follows:

"As the meeting records detail, Israel voted against this resolution, as it has done so on this and similar resolutions adopted by the General Assembly during previous sessions. In accordance with this voting practice, the Permanent Mission of Israel wishes to explain and reiterate its position in light of the realities on the ground.

"Despite major developments in the region, including the Annapolis process convened in November 2007, Palestinian terrorism continues with alarming intensity. Over the course of the last year, cities and villages in southern Israel suffered a significant increase in the number of rocket attacks fired by Palestinian terrorist organizations in the Gaza Strip. Over 3,000 Grad missiles, mortar shells and Qassam rockets have been fired at southern Israel since Hamas took over the area in June 2007. These rocket attacks have killed a number of Israelis and caused injury to countless civilians and extensive damage to properties.

"Data released by the Israel Trauma Centre for Victims of Terror and War during the last year show that 90 per cent of residents of the southern city of Sderot have experienced a Qassam rocket falling on their street or one adjacent to them. Some 28 per cent of adults and 30 per cent of children suffer from post-traumatic stress disorder, with children exhibiting extremely high levels of fear, avoidance behaviour, school, behavioural and somatic problems, regression and sleep deprivation.

"Moreover, Hamas's upgraded capabilities, which it received from the smuggling of weapons via tunnels along the southern border and during the breach of the border in January 2008, now place a quarter of a million Israeli civilians in constant danger.

"On Thursday, 18 June 2008, a 'state of calm' went into effect, with the explicit purpose of securing a complete cessation of terrorism and firing of rockets by all factions in the Gaza Strip, an end to Palestinian smuggling and military build-up, and progress in securing the release of the abducted soldier Gilad Shalit. Israel has made clear that if quiet and calm can be restored to the south, it will increase the amount and scope of goods that enter the Gaza Strip, which will improve the quality of life for the Palestinians. Only a few days later, rockets were again launched at southern Israel.

"Hamas, clearly, has no interest in long-term peace, reconciliation or mutual inhabitance with Israel. Any perceived lull is an opportunity for Hamas to rearm and strengthen itself.

"As noted, Hamas and other terrorist organizations in the Gaza Strip continue to build up their forces and arms by smuggling weapons across the southern border. Tunnels, burrowed deep beneath the ground, are used by terrorists to move weapons and other munitions. It is the backing and support of States like the Islamic Republic of Iran and the Syrian Arab Republic that enable the terrorist organizations to carry out acts of violence and terrorism against Israeli civilians. Hamas and its backers bear full responsibility for the violence and terrorism and the humanitarian conditions imposed on the Palestinians in Gaza. Hamas and other terrorist groups seek to take advantage of cooperative mechanisms between Israel and the Palestinians, be they border crossings or even the removal of security checkpoints. These violations demonstrate that Palestinian terrorism is still a major threat, requiring Israel to take measures in self-defence, and that Hamas is not interested in peace.

"While Palestinian terrorists do everything in their capacity to thwart humanitarian efforts and provoke Israeli reactions, Israel continues to ensure the steady and continuous flow of fuel and other supplies into the Gaza Strip to

meet the needs of the civilian population. The gasoline and diesel fuel transferred by Israel are meant primarily for ambulances, water pumps, the sewage system, public transportation, food trucks, garbage collection, food plants and generators at various institutions including schools, hospitals and clinics. Since June 2007, more than 600,000 tons have been transferred through the crossings. Israel continues its coordination activities on the ground, working through the appropriate channels to ensure the passage of aid and other materials.

"On 25 June 2008, the Israeli public marked the second anniversary of Corporal Gilad Shalit's abduction. A letter written by Corporal Shalit was recently forwarded to his parents by Hamas. However, the Red Cross or any other humanitarian agency has been denied permission to visit him and verify his condition.

"Israel remains committed to the bilateral process with the moderate, legitimate Palestinian Authority leadership that embraces its responsibilities and the vision of two States living side-by-side in peace and security. In the past months a number of meetings have taken place to set in motion the building blocks for a political horizon and to maintain a dialogue between Israel and the Palestinian Authority. Israel hopes to work with its moderate counterparts in the region to advance mutual understanding and formulate the framework that will allow Israel and the Palestinians to move forward on a bilateral process. This process, it must be underscored, should be supported by other like-minded moderate States in the region and the international community, but it cannot substitute for direct Israeli-Palestinian dialogue.

"In this vein, General Assembly resolution 62/83 too cannot substitute for direct Israeli-Palestinian dialogue. Moreover, rather than promote a vision that recognizes the rights and responsibilities of both sides, the aforesaid resolution obscures the efforts of the parties to achieve a negotiated outcome. And it is one-sided resolutions like this that jeopardize the efficacy of the United Nations and the efficiency of the General Assembly."

The note verbale dated 30 July 2008 from the Permanent Observer of Palestine to the United Nations reads as follows:

"This year the Palestinian people marked the passage of 60 years since Al-Nakba — the catastrophic tragedy that befell Palestine in 1948, whereby the Palestinian people lost their homeland, the majority of them were forcibly expelled or fled from their homes in fear, and an entire nation became refugees and a stateless people whose plight continues until this day. This year also marked the passage of the forty-first year of the Israeli occupation of the Palestinian Territory, including East Jerusalem, since 1967, under which the Palestinian people continue to suffer the denial and violation of their human rights, including their right to self-determination, and their national rights and aspirations for freedom and peace remain unfulfilled.

"The United Nations has been addressing the question of Palestine in all its aspects since its inception by means of, inter alia, numerous resolutions of its major organs and several programmes of assistance to the Palestinian people, particularly the Palestine refugees, through its specialized agencies. The General Assembly's annual consideration of the agenda item entitled

'Question of Palestine' and its adoption of a resolution on the peaceful settlement of the question of Palestine represents a significant contribution by the United Nations to the search for a just and lasting peace. The resolution is comprehensive and clearly delineates the parameters and requisites for achieving a peaceful settlement in accordance with international law, relevant United Nations resolutions and the agreed terms of reference of the peace process, including the principle of land for peace.

"Regrettably, however, since the Assembly's adoption of resolution 62/83, the situation in the Occupied Palestinian Territory, including East Jerusalem, has remained critical and little progress has been made towards the realization by the Palestinian people of their inalienable rights and the achievement of a peaceful settlement of the question of Palestine. Economic, social, political, humanitarian and security conditions have not improved, continuing to deteriorate in many aspects due to continuing unlawful and oppressive Israeli practices, and the peace process continues to face formidable obstacles. As in the past, Israel, the occupying Power, has continued to violate international law, including by committing systematic human rights violations and war crimes against the Palestinian people, to reject United Nations resolutions, and to act with contempt towards the will of the international community. It has persisted with and at times intensified its illegal actions in the Occupied Palestinian Territory, in breach of its legal obligations, including under the Fourth Geneva Convention, inflicting more collective punishment, suffering and loss on the Palestinian people and creating more unlawful facts on the ground that are further fragmenting the Territory's contiguity and thus seriously threatening the viability of the two-State solution and the prospects for peace.

"This situation has continued despite various efforts and initiatives undertaken during the past year, regionally and internationally, to advance the Middle East peace process and also to ameliorate the situation being faced by the Palestinian people in the Occupied Palestinian Territory and promote conditions actually conducive to the pursuit of peace. In addition to the resolutions adopted by the General Assembly at its sixty-second session, such efforts have included reaffirmation of the Arab Peace Initiative by the twentieth Arab Summit in March 2008, meetings of the Quartet, and the convening, just prior to the adoption of resolution 62/83, of an international conference at Annapolis under the auspices of the Government of the United States of America on 27 November 2007, which resulted in a joint understanding between the Palestinian and Israeli sides and the relaunching of the peace process with the resumption of direct negotiations after a bitter and destructive seven-year freeze.

"The Annapolis conference, along with the convening of a major donor conference in Paris in December 2007, provided an important impetus to the peace process and revived efforts aimed at achieving an end to the Israeli occupation that began in 1967, the establishment of the independent State of Palestine and the achievement of a just, lasting and peaceful settlement to the Israeli-Palestinian conflict. The Annapolis conference set the end of 2008 as the timeline for achieving this long-elusive goal. However, while bilateral negotiations have continued and several high-level meetings have been held between the Israeli and Palestinian leaderships and the Middle East peace

process remains high on the international agenda, progress has been minimal as negative developments on the ground continue to impede the process and complicate the efforts to address the core, final status issues of Jerusalem, settlements, borders, refugees, water and security.

"The reality is that this peace process is in a state of serious disrepair because the entire premise of the process is constantly being undermined by Israel's illegal actions in the Occupied Palestinian Territory, actions that are totally contrary to the principle of land for peace and the objective of achieving a just, lasting and peaceful settlement based on the two-State solution in accordance with international law and relevant United Nations resolutions. In this regard, a review of the current situation in the context of resolution 62/83 reveals that its provisions continue to be violated by the occupying Power, precluding the resolution's full implementation by the international community.

"Since adoption of resolution 62/83, Israel has not ceased its unlawful measures of collective punishment, reprisals and military operations against the Palestinian civilian population, which is a defenceless population entitled to protection under international humanitarian law. In the past several months, the Israeli occupying forces have killed and injured hundreds more Palestinian civilians, including children, in military attacks and raids in the Occupied Palestinian Territory, particularly in the Gaza Strip, continuing to use excessive and indiscriminate force against civilians as well as extrajudicial killings. The occupying forces also continued to cause wanton destruction of Palestinian property, including homes, agricultural lands and orchards, and civilian infrastructure, leading to further displacement of civilians, loss of livelihoods and environmental damage.

"Israel has also persisted with its daily arrest campaigns in the Occupied Territory. More than 11,000 Palestinians, including more than 400 children and more than 100 women, continue to be held in Israeli jails and detention centres, with the majority suffering inhumane conditions, harassment, physical and psychological ill-treatment and many subject to torture.

"At the same time, Israel continues to aggressively pursue its illegal colonization campaign in the Occupied Palestinian Territory, including East Jerusalem, through the unlawful confiscation of land, construction and expansion of settlements, transfer of hundreds of thousands of Israeli settlers and construction of the Wall, which is directly linked to the settlements and intended to protect them and facilitate their expansion and entrenchment, as well as by numerous other illegal measures. This colonization campaign, which constitutes a grave breach of international humanitarian law, particularly the Fourth Geneva Convention, which absolutely prohibits the transfer by the occupying Power of its civilian population into the territory it occupies, actually represents the main obstruction to the peace process. It is a campaign undeniably aimed at creating facts on the ground by altering the demographic composition, status and character of the Occupied Palestinian Territory in order to facilitate the de facto annexation of large areas of land, amounting to a blatant situation of acquisition of territory by force, which is strictly prohibited by international law.

"In the recent period, Israeli settlement activities have intensified, particularly in and around Occupied East Jerusalem and the Jordan Valley. This has been the case despite General Assembly and Security Council resolutions calling for their cessation, for the dismantlement of settlements and settlement 'outposts' and for Israel's compliance with its legal obligations; despite the International Court of Justice's advisory opinion of 9 July 2004; and despite the fact that the freezing of all settlement activity is a cornerstone of the Quartet road map. Combined, the 150 Israeli settlements, more than 100 settlement 'outposts', an extensive labyrinth of Israeli-only bypass roads connecting the settlements to each other and to Israel itself, and the wall that is being constructed in deviation from the 1967 Green Line and projected to be more than twice its length, are occupying huge swaths of Palestinian land, totalling approximately 50 per cent of the occupied West Bank.

"This vast colonial network, along with Israel's imposition of over 600 checkpoints and a stringent, discriminatory permit regime intended to collectively punish the Palestinian people and restrict their movement, has created a situation on the ground whereby Palestinian communities are being separated, with many transformed into walled cantons and some being destroyed in their entirety, causing the further displacement of thousands of Palestinian civilians; East Jerusalem is being isolated from the rest of the Palestinian Territory, which is being dissected into northern, central and southern parts; and economic and social devastation continues to be inflicted on the Palestinian people. The overall result is the severe fragmentation of the Occupied Palestinian Territory and the undermining of its contiguity, integrity and unity.

"Israel's colonization campaign thus constitutes the primary danger to the realization by the Palestinian people of their inalienable and national rights and to the achievement of the two-State solution of an independent State of Palestine living side-by-side with Israel in peace and security and on the basis of the 1967 borders. In this regard, the settlements issue is not only one of the final status issues in the peace process, but is also intricately related to and at the crux of nearly all other final status issues, including Jerusalem, borders, water and security. As such, continuation of this illegitimate situation will make physically impossible the establishment of a sovereign, contiguous, viable and independent Palestinian State, with East Jerusalem as its capital, and the ultimate realization of the two-State solution for peace in accordance with relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003).

"The situation in the rest of the Occupied Palestinian Territory, namely the Gaza Strip, also remains extremely critical. Israel's siege of Gaza has surpassed one year and the occupying Power continues to impose a suffocating closure of border crossings, obstructing the movement of persons and goods into and out of the area, in collective punishment of the entire Palestinian civilian population there. The Gaza Strip also remains separated from the West Bank, with no functional territorial link between these two areas of the Territory.

"Consequent declining socio-economic conditions have deepened poverty and hardships as livelihoods and income continue to be lost. Health

conditions have also continued to deteriorate due to inadequate medical and food supplies as well as the breakdown of sewage and sanitation systems because of lack of spare parts and fuel. The ongoing fuel crisis has disrupted all sectors of life — home life, schools, hospitals, businesses, farming and fishing — and also disrupted United Nations operations. Moreover, this deliberately imposed humanitarian crisis is only worsening with the globally rising food and fuel prices affecting the whole international community. The negative short- and long-term repercussions of this crisis on the Palestinian population and institutions, public services and infrastructure are vast, and tensions, insecurity and despair remain high in Gaza, where the majority of the more than 1.4 million Palestinians there live in poverty and depend on food aid for survival.

"One encouraging development in terms of the situation in the Gaza Strip has been the conclusion of a truce agreement following intensive mediation efforts by the Government of Egypt. Despite several infractions, the truce, which took effect on 19 June 2008, continues to be upheld as of the date of this note. The Palestinian leadership continues to appeal for respect of the truce on both sides and to call as well for extension of the truce to the West Bank, emphasizing that the West Bank and the Gaza Strip constitute one geo-political unit — the Occupied Palestinian Territory — and, therefore, Israeli military attacks in either area affect the other negatively. As repeatedly witnessed, violent Israeli actions in the past have undercut attempts to bring about a cessation of violence, sabotaged Palestinian Authority efforts to promote law and order, harmed peace negotiations, and fuelled the deadly cycle of violence. Such an outcome must be averted at all costs.

"The Palestinian Authority thus continues to exert all efforts within its circumscribed capacity to promote law and order, and expresses the hope that Israel will abide by its commitments in this regard and that calm will prevail. In this regard, it is imperative that Israel completely lift its inhumane and unlawful siege of Gaza to allow for movement of persons and goods to ease the isolation and humanitarian suffering of the Palestinian civilian population. The Palestinian Authority reiterates its readiness to assume responsibility for the Palestinian side of Gaza's border crossings in line with the 2005 Agreement on Movement and Access. Israel should be called upon to abide by its commitments and legal obligations in this regard, including in relation to the civilian population in the Gaza Strip under the terms of the Fourth Geneva Convention.

"The inability of the international community to act in the face of such continuous Israeli breaches of international law and United Nations resolutions has undoubtedly abetted the occupying Power's impunity. The international community must not, however, capitulate and should continue to exert serious efforts to redress the unjust, illegal situation in the Occupied Palestinian Territory, for, as recognized by the General Assembly in resolution 62/83, achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East. The provisions of resolution 62/83 remain valid, as do the countless other United Nations resolutions addressing the core issues of the question of Palestine, and

the principles therein constitute the foundations of the peace process and the keys to resolving this tragic conflict.

"Despite the many challenges before us, the achievement of the two-State solution, the inalienable rights of the Palestinian people, including their right to self-determination, and peace remain our ultimate goals. Palestine is encouraged by the international community's continuing firm support in this regard, as reflected by the overwhelming support for resolution 62/83, and conveys its strong hope for continuation of such support and of the necessary efforts for attainment of these goals. The time now is for practical measures to be taken by the international community to uphold the Charter, international law and these resolutions, thereby ensuring Israel's respect for the law, bringing an end to this unlawful situation constituting the longest military occupation in contemporary history, and achieving a just, lasting peace settlement. In this connection, Palestine reiterates that the United Nations has a permanent responsibility towards the question of Palestine until it is resolved in all its aspects, including a just resolution for the plight of the Palestine refugees in conformity with General Assembly resolution 194 (III), and stresses once again that the Security Council should not be exempt from its Charter responsibilities in this case.

"On its part, Palestine reaffirms the commitment of the Palestinian leadership to the peace process and urges all concerned parties in the international community to seize the opportunities for peace that are still before us and not allow the process and negotiations to continue to be undermined by illegal, unilateral and destructive actions. The complete cessation of all Israeli violations of international law, including Israel's colonization campaign and all other grave breaches, is imperative for salvaging the potential for peace. Active efforts should also be pursued to sustain the Annapolis process, including through confidence-building measures between the two sides to create an environment more conducive to peace negotiations, and to promote as well the Arab Peace Initiative. In addition, the provision of economic, humanitarian and technical assistance to the Palestinian people and the Palestinian Authority at this crucial time remains essential.

"In closing, as resolution 62/83 regrettably remains unimplemented, the General Assembly is duty-bound to continue its efforts with regard to a peaceful settlement of the question of Palestine. The Assembly must continue striving to uphold the law and ensure respect of the law by Israel, the occupying Power. Such action by the international community can tangibly contribute to bringing an end to the 1967 Israeli occupation and enabling the Palestinian people to exercise their inalienable rights in their independent State of Palestine, with East Jerusalem as its capital, thus allowing for the realization of peace, stability and security for the Palestinian and Israeli peoples as well as the Middle East region as a whole."

II. Observations

5. During the reporting period, new hope for the achievement of a peaceful settlement of the question of Palestine emerged, with the launch of the Annapolis

process and regular bilateral negotiations between Israel and the Palestinians. At the same time, the situation on the ground in Israel and the occupied Palestinian territory, including East Jerusalem, remained difficult and hampered political efforts to achieve the vision of two States living side by side in peace and security. In the Gaza Strip, in particular, prolonged violence and a deepening humanitarian crisis prevailed.

6. The Annapolis conference, hosted by the United States on 27 November 2007 with the participation of all major parties, provided a new impetus to the search for a just, lasting and comprehensive settlement of the question of Palestine. Ehud Olmert, the Prime Minister of Israel, and Mahmoud Abbas, President of the Palestinian Authority, presented a joint understanding, agreeing to immediately launch good-faith bilateral negotiations in order to conclude a peace treaty, resolving all outstanding issues, before the end of 2008. The two leaders also committed themselves to implementing their respective obligations under the road map and agreed to form a trilateral mechanism, led by the United States, to follow up on implementation.

7. Bilateral negotiations between Israeli and Palestinian negotiating teams, led by Tzipi Livni, the Minister for Foreign Affairs of Israel, and Ahmed Qureia, the Palestinian Chief Negotiator, have taken place on a regular basis, with confidentiality maintained about the substance of those talks. Technical teams have also met in support of the bilateral talks. Prime Minister Olmert and President Abbas have also continued to meet on a regular basis.

8. I welcome the diplomatic efforts exerted by the parties. I would also like to commend the United States for taking the initiative to convene the Annapolis conference. The international community has come together in support of the bilateral negotiations conducted by Israel and the Palestinians. The Quartet has been reinvigorated, and I was glad to take part in its meetings in New York in September 2007, in Washington, D.C., on 26 November 2007, on the eve of the Annapolis conference, in Paris on 17 December 2007, in London on 2 May 2008 and in Berlin on 24 June 2008.

9. I also welcome and commend the efforts of the League of Arab States and several Arab countries to advance regional efforts for peace in recent months. The League of Arab States, at its annual summit in Damascus on 29 and 30 March, expressed concern over developments on the ground, but reaffirmed the Arab Peace Initiative, which remains a central element in the search for a peaceful settlement of the question of Palestine.

10. The United Nations has remained engaged at a political level. The Secretariat has provided monthly briefings to the Security Council on developments in the Middle East, as well as whenever the situation on the ground demanded that the Council be kept urgently apprised, as was the case several times during the reporting period. I have continued to take part in the meetings of a reinvigorated Quartet, and I now look forward to the meeting of the Quartet I am hosting in New York in the margins of the general debate, in conjunction also with a meeting of the Ad Hoc Liaison Committee and consultations with our Arab partners.

11. Regrettably, violence between Israelis and Palestinians, as well as among Palestinians, continued during the reporting period. Altogether, between

1 September 2007 and 19 August 2008, 35 Israelis, including four children, and 600 Palestinians, including 87 children, lost their lives in conflict-related incidents.

12. Road map implementation saw some arguable progress during the reporting period. I am pleased to note that the Palestinian Authority, under the leadership of Prime Minister Salam Fayyad, has made significant strides towards imposing law and order, including disarming and arresting militants, in the reporting period. Palestinian security forces have redeployed in Jenin and Nablus, including personnel trained and equipped in Jordan with the assistance of the United States Security Coordinator, and Palestinian security operations are also taking place elsewhere in the West Bank. On 24 June 2008, the international community offered support to the further development of the Palestinian security sector and judiciary at the Berlin conference in support of Palestinian civil security and the rule of law, convened by Germany. The Quartet voiced its support for the outcomes of the meeting and called for speedy implementation of projects agreed and robust donor support in order to build the capacity of the Palestinian police and justice sector. The Quartet also urged Israeli-Palestinian cooperation in that respect, and emphasized the importance of unobstructed delivery of security assistance to the Palestinian Authority. In this regard, I am glad to note Israel's facilitation of the reopening of 12 Palestinian police stations in the West Bank in recent months. I regret, however, that Israel Defense Force incursions into West Bank cities and towns have continued on a regular basis.

13. Violence continued to occur in Israel. A suicide bombing took place in the Israeli city of Dimona on 4 February 2008. I condemned this terrorist attack targeting civilians. I also strongly condemned the attack that claimed eight lives at a Jewish seminary in Jerusalem on 6 March 2008. I further condemned the attacks utilizing bulldozers in Jerusalem on 2 and 22 July 2008.

14. I also deplore the continued expansion of settlements in the West Bank by the Government of Israel, which negatively impacts the ongoing bilateral political process. Continued settlement activity in the West Bank, including East Jerusalem, stands in contradiction to international law, Security Council resolutions, the Fourth Geneva Convention, Israel's obligations under the road map and its commitments under the Annapolis process. I have called upon Israel to freeze all settlement activity, including "natural growth", to dismantle all outposts erected since March 2001, and to reopen Palestinian institutions in East Jerusalem, and have emphasized that a halt to settlement expansion is a necessity for the creation of a contiguous and viable Palestinian State.

15. Construction work on the barrier also continued within occupied Palestinian territory, in deviation from the Green Line and contrary to the International Court of Justice advisory opinion of 9 July 2004. I continue to note with concern that the route of the barrier results in the confiscation of Palestinian land and the isolation of Palestinian communities and agricultural areas. In accordance with the provisions of General Assembly resolution ES-10/17, I have continued efforts to establish the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory, with the constitution and assumption of operations of the Office of the Register of Damage at the United Nations Office at Vienna and the first meeting of the members of its Board.

16. On 17 December 2007, a significant donor meeting was held in Paris in support of the Annapolis process and with the aim of securing financial support for

the Palestinian Authority over the next three years. Donors commended the Palestinian Reform and Development Plan presented by Prime Minister Fayyad and pledged $7.7 billion in assistance. Two new financing mechanisms were launched in 2008 to support the implementation of the Plan, namely the World Bank trust fund and the European Commission's Palestinian European Aid Mechanism.

17. The Government of Prime Minister Fayyad also undertook significant measures of economic and fiscal reform, successfully containing the Palestinian Authority's wage bill and reactivating the budget process. On 2 May, the Ad Hoc Liaison Committee met in London to assess progress in Palestinian institutional and economic development since its previous meeting in September 2007. The donor community responded to Palestinian reform efforts and generously supported the Palestinian Authority with over $1.1 billion in budget support from the beginning of 2008 until August. However, the Authority still faced renewed budgetary shortfalls. I have called upon those donors who have not yet fulfilled their pledges from the Paris donor conference to provide budget support to fill a gap of $400 million for the period from August to December 2008.

18. From 21 to 23 May 2008, the Palestine investment conference convened by Prime Minister Fayyad took place in Bethlehem. Hundreds of foreign representatives and Palestinian businesses, including from Gaza, attended. Prime Minister Fayyad announced that investors pledged $1.4 billion for Palestinian business projects. Earlier the same month, on 13 May, Tony Blair, the Quartet Representative, had announced a package of measures to stimulate economic development, ease movement and access restrictions, develop the 60 per cent of the West Bank in Area C and build Palestinian security capability. Quartet Representative Blair continues to follow up on his plan.

19. Unfortunately, the Government of Israel did not significantly relax the closure regime in the West Bank. The Office for the Coordination of Humanitarian Affairs reported that the number of Israeli-imposed obstacles to Palestinian movement in the West Bank grew from 532 in August 2007 to 608 as of 18 August 2008, with negative political and economic implications.

20. Palestinian economic growth was flat and the economy continued to hollow out. This put the Palestinian Authority on the path of increasing aid dependency. While the economy stagnates and the population grows, per capita income continues to fall. The International Monetary Fund estimated that real gross domestic product growth in 2007 was only about 0.5 per cent. Results from the first quarter of 2008 suggest that growth was slightly negative. Unemployment remained high in the West Bank and Gaza.

21. Following the takeover of the Gaza Strip by Hamas in June 2007, the launching of rockets and mortars from Gaza against Israeli civilian targets intensified. I condemn the indiscriminate rocket and mortar firing from the Gaza Strip towards Israeli civilian population centres and against crossing points, which is totally unacceptable and has detrimental effects on humanitarian conditions.

22. The Government of Israel declared the Gaza Strip an enemy entity on 19 September 2007 and imposed a stringent closure regime, halting all exports from Gaza and severely restricting imports, including electricity and fuel. I called upon Israel to reconsider and cease its policy of pressuring the civilian population of Gaza for the unacceptable actions of Hamas and other militants.

23. In response to the rocket fire against Israeli civilian targets, Israel launched military incursions into the Gaza Strip and targeted militants with air strikes, often causing civilian casualties. I called for the strict observance of international humanitarian law by Israel and its armed forces. While cognizant of Israel's security concerns and of its assertion that in using military force it does not target civilians and takes care to avoid civilian casualties, I emphasized that Israel is obliged not to take disproportionate measures or to endanger civilians, and must thoroughly investigate incidents leading to civilian casualties and ensure adequate accountability.

24. Following several Israeli military incursions and heavy fighting in Gaza during the month of January, as well as the imposition of a four-day comprehensive closure on 23 January, Palestinian militants destroyed entire sections of the border fence with Egypt. Hundreds of thousands of Gazans crossed the border and purchased food, medicine and other supplies. The border was resealed six days later.

25. In February 2008, after the firing of rockets and mortar on Israel included the launch, for the first time, of longer-range rockets against Ashkelon, the situation escalated again. The Israel Defense Force operation named Hot Winter, beginning on 29 February, lasted five days and caused dozens of civilian casualties, including the deaths of 31 children, while Hamas rocket attacks, with increased capability, threatened nearly a quarter of a million Israelis. In subsequent months, rocket and mortar fire continued, and a number of attacks also targeted crossings between Israel and Gaza.

26. The violence, as well as the humanitarian distress the civilian population of the Gaza Strip endured as a result of Israel's closure policy, convinced me that a new and more constructive strategy on Gaza was required. I called for such an approach, emphasizing, in particular, the need to end the violence and reopen the Gaza crossings in a sustained manner. The Quartet endorsed my call in its meeting in London on 2 May, strongly encouraging Israel, the Palestinian Authority and Egypt to work together to formulate a new approach on Gaza that would provide security to all Gazans, end all acts of terror, provide for the controlled and sustained opening of the Gaza crossings for humanitarian reasons and commercial flows, support the legitimate Palestinian Authority Government and work towards conditions that would permit implementation of the 2005 Agreement on Movement and Access.

27. Egyptian efforts led to the agreement of a ceasefire between Israel and Hamas, which entered into effect on 19 June and has largely held since. I welcomed the ceasefire. Building on the ceasefire, Egypt has continued its efforts to reach an agreement to exchange the captured Israeli soldier, Gilad Shalit, for a number of Palestinian prisoners currently held by Israel. I repeatedly expressed my dismay at the fact that the International Committee of the Red Cross was not provided with access to Corporal Shalit, in contravention of international humanitarian law, after more than two years of captivity.

28. The situation in the Gaza Strip during the reporting period was characterized by prolonged humanitarian crisis. The Gaza crossings remained largely closed, except for imports to meet minimal humanitarian needs. Israel also instituted restrictions on the supply of fuel, with broad socio-economic effects, including extensive electricity cuts. While humanitarian assistance continued to enter Gaza, most of Gaza's industrial capacity was suspended and more than 70,000 workers were laid off. About 76 per cent of the population in Gaza became reliant on

assistance from the United Nations. United Nations agencies were also severely affected and had to prioritize projects. Following the entering into effect of the ceasefire between Israel and Hamas, there has been some improvement in humanitarian conditions.

29. Gaza also witnessed the consolidation of Hamas's rule, with institutions increasingly falling under the direct control of Hamas. Factional violence occurred, and in November 2007, internecine fighting left 18 people dead. Renewed bloody clashes between Hamas and Fatah loyalists left 11 Palestinians dead in August 2008, and nearly 200 Palestinians sought refuge in Israel before being returned to Gaza or transferred to West Bank cities. Overall, between 1 September 2007 and 19 August 2008, 136 Palestinians were killed in internal violence.

30. I would stress that the Palestinian Authority remains the sole legitimate authority and that Gaza and the West Bank comprise one single Palestinian territory. Dialogue for the purpose of making progress towards the reunification of Gaza and the West Bank within the framework of the legitimate Palestinian Authority is vital to sustain the efforts to revitalize the peace process. Accordingly, I welcomed President Abbas's statement of 5 June 2008, during which he called for the holding of a comprehensive national dialogue in order to implement the initiative on Palestinian reunification taken by the President of Yemen and endorsed by the Foreign Minister of the League of Arab States in March 2008.

31. In Israel, the Government also faced difficulties throughout the reporting period. Prime Minister Olmert's resignation on 21 September 2008 opened up the prospect of the new head of the *Kadima* party, Foreign Minister Livni, taking over the premiership and forming a new Government, or of new elections, with possible effects on the peace talks.

32. I regret that Palestinian and international United Nations staff members have faced growing restrictions as concerns their free movement and access in the service of the United Nations. I have discussed these restrictions with the Government of Israel and look forward to improvements in this regard. In Gaza, the United Nations Relief and Works Agency (UNRWA) and other United Nations agencies face significant challenges to their operations. The security and humanitarian situation in the Gaza Strip has made their work both more important and more difficult.

33. In this challenging context, I want to praise the courage and dedication of the United Nations personnel serving in the Occupied Palestinian Territory. I wish to express my deep appreciation to Robert H. Serry, the Special Coordinator for the Middle East Peace Process and my Personal Representative to the Palestinian Liberation Organization and the Palestinian Authority, to the staff of his Office, as well as to the Commissioner-General of UNRWA, Karen Koning AbuZayd, and the staff of the Agency and all other United Nations agencies, funds and programmes, who continue to provide indispensable and remarkable service in the Occupied Palestinian Territory.

34. Over the past year, there have been important steps towards a peaceful settlement of the question of Palestine, and I call upon the Government of Israel and the Palestinian Authority to undertake every effort to achieve the goal of the Annapolis process. Time is now running short until we reach the benchmark of the Annapolis process, and there reportedly remain significant gaps. Should the parties not be able to reach a peace agreement by the end of the year, it will be essential

that the process not be disrupted and instead continues, with the aim of leading to the long overdue peaceful settlement of the question of Palestine as early as possible.

35. The situation on the ground, both in Gaza and in the West Bank, including East Jerusalem, has deteriorated in many instances. Much more needs to be done to build the necessary foundations for a successful political process and for the eventual and sustainable implementation of any agreement reached. Settlement activity needs to stop completely, and movement and access restrictions need to be lifted. The Palestinian Authority needs to make further progress to impose law and order.

36. The question of Gaza remains critical. I am glad that the ceasefire in effect since June 2008 has held so far. At the same time, I am acutely conscious that the ceasefire is by definition a temporary arrangement that needs to lead to further steps: a reopening of the Gaza crossings, the release of Corporal Gilad Shalit, and dialogue for the purpose of the reunification of the West Bank and Gaza Strip within the framework of the legitimate Palestinian Authority.

37. The United Nations will continue to work towards the creation of an independent, democratic, contiguous and viable Palestinian State living side-by-side in peace with a secure Israel, in the framework of a comprehensive regional settlement, consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and in accordance with the road map, the Arab Peace Initiative and the principle of land for peace.

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Review of the efficiency of the administrative and financial functioning of the United Nations

Report on the activities of the Office of Internal Oversight Services

Information requested in paragraph 17 of General Assembly resolution 62/247

Report of the Secretary-General

Summary

The present report includes information on the status of implementation of General Assembly resolution 59/287, updated and detailed information on all the entities other than the Office of Internal Oversight Services carrying out administrative inquiries and investigations; and the status of work done under general temporary assistance resources to establish a training capacity for the Investigations Division to enable programme managers to handle category II cases of possible misconduct.*

* Explanations of category II cases of possible misconduct are provided in section III.

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I. Introduction

1. In paragraph 17 of its resolution 62/247, the General Assembly requested the Secretary-General to prepare, in close cooperation with the Office of Internal Oversight Services (OIOS), for its consideration at the sixty-third session, a report providing detailed information regarding, inter alia:

(a) The status of implementation of its resolution 59/287;

(b) Updated and detailed information on all the entities other than the Office of Internal Oversight Services carrying out administrative inquiries and investigations, their legislative basis and precise role, the number and types of cases handled, related resources, reporting mechanisms, standards and guidelines involved and training imparted;

(c) The status of work done under general temporary assistance resources equivalent to six positions to establish a training capacity for the Investigations Division to enable programme managers to handle category II cases of misconduct and the assessment of such work and any other related work carried out for the same purpose, as well as the future workplan thereof.

2. The information requested in paragraph 17 of General Assembly resolution 62/247 is detailed in the sections that follow.

II. Status of implementation of General Assembly resolution 59/287

3. The General Assembly, by its resolution 59/287, requested the Secretary-General to undertake various actions and institute certain procedures in relation to investigations. The status of implementation of measures is provided below.

Training

4. In paragraph 10 of resolution 59/287, the General Assembly requested the Secretary-General to implement the proposals of OIOS to increase basic investigation training, as appropriate, for the handling of minor forms of misconduct, to develop written procedures for the proper conduct of investigations and to promote the concept of an independent investigation function within the United Nations.

5. Detailed information regarding investigation training is included in section IV of the present report.

Reporting of allegations of misconduct

6. In paragraph 11 of resolution 59/287, the General Assembly decided that the results of investigation conducted by programme managers should be reported to OIOS. In paragraph 12, the General Assembly requested the Secretary-General to establish an administrative mechanism for the mandatory reporting by programme managers of allegations of misconduct to OIOS and to report on the establishment of such a mechanism to the General Assembly at the resumed part of its sixtieth session. In paragraph 13, the General Assembly also requested the Secretary-General to ensure that the introduction of a mandatory reporting mechanism will not

adversely affect the right of an individual staff member to report cases of allegations of misconduct directly to OIOS.

7. Pursuant to the Organization's existing procedures under administrative instruction ST/AI/371 of August 1991 on revised disciplinary measures and procedures, where there is reason to believe that a staff member has engaged in unsatisfactory conduct for which a disciplinary measure may be imposed, the head of office or responsible officer is required to undertake a preliminary investigation. In circumstances where the allegations made are particularly serious, or where other factors indicate that a professional investigation may be required, the head of office or responsible officer may decide to refer such cases to OIOS for its review and attention as appropriate.

8. In addition, pursuant to paragraph 5.12 of the Secretary-General's bulletin of 11 February 2008 on prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5), aggrieved individuals or third parties with direct knowledge of any alleged misconduct of this nature may in all instances report cases directly to OIOS, without the need to obtain authorization or clearance from any official.

9. The Office of Internal Oversight Services maintains a telephone and e-mail hotline for receiving reports of possible misconduct. In addition, the Conduct and Discipline Unit of the Department of Field Support has specific procedures for receiving, screening reports of possible misconduct at the mission level and forwarding to OIOS matters that may be considered serious enough for professional investigation. A new OIOS/Investigations Division brochure explaining the process has been produced and will be circulated throughout the Organization, at Headquarters and in the field. In addition, the OIOS website is being updated to more clearly explain responsibilities of all staff for reporting possible misconduct.

Managerial action in cases of misconduct

10. In paragraph 14 of its resolution 59/287, the General Assembly further requested the Secretary-General to ensure that where poor management practice is a contributory factor in cases of misconduct, appropriate managerial action is taken by the Office of Human Resources Management. In paragraph 16 of the resolution, the Assembly requested the Secretary-General to ensure that, in case of proven misconduct and/or criminal behaviour, disciplinary action and, where appropriate, legal action in accordance with the established procedures and regulations will be taken expeditiously, and requested the Secretary-General to ensure that Member States are informed on an annual basis about all actions taken. In paragraph 17 of the resolution, the Assembly requested the Secretary-General to ensure that all staff of the Organization are informed of the most common examples of misconduct and/or criminal behaviour and their disciplinary consequences, including any legal action, with due regard to the protection of the privacy of the staff member(s) concerned.

11. In general, appropriate administrative or managerial action is taken by the relevant Department, upon advice, when requested, from the Office of Human Resources Management. In specific cases, in particular when the Department has referred to the Office of Human Resources Management the case of a staff member for disciplinary action and the Office is of the view that the conduct at hand does not rise to the level of misconduct but should be handled as a performance issue, the

Office of Human Resources Management advises the Department that administrative action is warranted. In such cases, the Office of Human Resources Management may impose an administrative measure established by the relevant regulations, rules and administrative instructions.

12. In cases where criminal behaviour is detected, the final decision on any legal action rests with the Secretary-General and, once a decision is made, the Office of Legal Affairs promptly implements such decision. These cases first go through a careful evaluation process, which encompasses an analysis of policy considerations, as well as those of a legal nature, involving all concerned units of the Organization, before any legal action is undertaken. Examples of factors which must be taken into consideration prior to instituting legal action include: the impact on privileges and immunities; the likelihood of the success of the claim if pursued; the impact upon the reputation of the Organization caused by becoming party to a lawsuit; an evaluation of the expected cost and benefit of entering into such action in view of the high costs and uncertainties of litigation; the exposure of the Organization to financial and other risks; and the potential impact on the internal justice system of the Organization.

13. Details of cases of proven misconduct and/or criminal behaviour are reported to the General Assembly on an annual basis. The most recent report (A/63/202) covers the period from 1 July 2007 to 30 June 2008. Details are provided to staff by issuance of annual information circulars. The most recent issued is information circular ST/IC/2008/41, which covers the period 1 July 2007 to 30 June 2008. The documents include a summary of cases for which the Secretary-General imposed a disciplinary measure during the period and the disposition of those cases. It also contains information concerning cases where United Nations staff members were subject to criminal proceedings.

Protection of staff reporting misconduct

14. In paragraph 15 of resolution 59/287, the General Assembly requested the Secretary-General to ensure that an appropriate mechanism is in place to protect staff members who report misconduct within the Secretariat against retaliation.

15. On 19 December 2005, the Secretary-General issued his bulletin ST/SGB/2005/21 on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations. This bulletin provides protection for staff members who report misconduct or cooperate with a duly authorized audit or investigation, which includes confidential reporting of complaints of retaliation to the Ethics Office, and the bulletin sets forth the authority of the Ethics Office to review the allegations. In the event that the Ethics Office finds that there is a prima facie case of retaliation or threat of retaliation, it will refer the matter in writing to OIOS for investigation. Pending the completion of the investigation, the Ethics Office may recommend appropriate measures to safeguard the interests of the complainant. If retaliation against an individual is established, the Ethics Office may recommend appropriate measures aimed at correcting negative consequences suffered as a result of the retaliatory action. These measures are in addition to established internal recourse mechanisms.

Resolution of disputed findings

16. In paragraph 18 of resolution 59/287, the General Assembly requested the Secretary-General to ensure that when conclusions of OIOS are disputed by a programme manager, appropriate action will be taken to resolve the dispute and that information thereon will be included in the annual report of the Office of Internal Oversight Services.

17. The Secretary-General has assigned responsibility to the Management Committee for ensuring that findings and recommendations of oversight bodies, including those arising from OIOS investigations, are effectively acted on. OIOS includes information in its annual reports on recommendations that they do not consider have been acted on in a timely or adequate manner. It has been the practice of the Management Committee to review these recommendations highlighted in the OIOS annual reports and ensure that necessary action is taken.

III. Entities other than the Office of Internal Oversight Services that carry out administrative inquiries and investigations

18. Within the United Nations, a wide range of internal investigations are conducted by various internal entities.

19. OIOS investigates reports of violations of United Nations regulations, rules and administrative issuances. OIOS has developed a system of classifying possible cases of misconduct based on the level of risk they pose to the Organization. Category I consists of high-risk, complex matters and serious criminal cases. Such cases would normally include the following:

- Serious or complex fraud
- Other serious criminal act or activity
- Abuse of authority or staff
- Conflict of interest
- Gross mismanagement
- Waste of substantial resources
- All cases involving risk of loss of life to staff or to others, including witnesses
- Substantial violation of United Nations regulations, rules or administrative issuances
- Complex proactive investigations aimed at studying and reducing risk to life and/or United Nations property

20. According to the OIOS classification system, cases of lower risk to the Organization are classified as belonging to category II and include the following:

- Personnel matters
- Traffic-related inquiries
- Simple thefts
- Contract disputes

- Office management disputes
- Basic misuse of equipment or staff
- Basic mismanagement issues
- Infractions of regulations, rules or administrative issuances
- Simple entitlement fraud

21. The Office of Internal Oversight Services generally investigates category I cases on its own initiative or on request from a head of office, but may refer some of these cases to other entities for action. Category II cases are normally not investigated by OIOS, but by a head of office, the Department of Safety and Security or the Office of Human Resources Management, either at their initiative or on referral from OIOS.

22. The information required in paragraph 17 (b) of resolution 62/247 on entities other than OIOS that conduct various aspects of investigations is set out below.

(a) Heads of office and programme managers

Legislative mandate	Administrative instruction ST/AI/371 provides that heads of office or responsible officers shall undertake a preliminary investigation where there is reason to believe that a staff member has engaged in unsatisfactory conduct for which a disciplinary measure may be imposed. In paragraph 7 of resolution 59/287, the General Assembly recognized that programme managers may be entrusted to conduct certain types of investigations, such as sexual harassment.[1]
Types of cases	Heads of office normally conduct investigations into allegations falling into category II. Examples of category II cases are: discrimination; harassment, including sexual harassment; abuse of authority; personnel matters; simple thefts; contract disputes; office management disputes; basic misuse of equipment or staff; basic mismanagement issues; infractions of regulations, rules or administrative issuances; and simple entitlement fraud.

[1] Prior to 1 March 2008, administrative instruction ST/AI/379 of 29 October 1992 on procedures for dealing with sexual harassment governed the handling of the allegations of sexual harassment. As set out in annex II of the thirty-sixth report of the Advisory Committee on Administrative and Budgetary Questions on the programme budget for 2008-2009 (A/62/7/Add.35), under this administrative instruction, the Office of Human Resources Management was responsible for conducting investigations into allegations of sexual harassment. Effective 1 March 2008, administrative instruction ST/AI/379 was replaced by the Secretary-General's bulletin on prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5). This bulletin requires heads of office to initiate investigations into allegations of all forms of harassment, including sexual harassment, discrimination and abuse of authority. Accordingly, the Office of Human Resources Management is no longer responsible for conducting sexual harassment investigations Secretariat-wide.

Number of cases	The number of allegations of misconduct handled by the Office of Human Resources Management following preliminary investigations that were conducted by heads of office/responsible officers is:
2006[2]	66
2007[3]	37
Related resources	Heads of office do not have standing capacity to conduct investigations. The head of office normally constitutes a panel of two or more staff members from within the department/office to conduct the investigation. Heads of offices may also request OIOS or the Department of Safety and Security to conduct the investigation. In addition, during the course of their regular functions, Administrative Officers, Executive Officers or Human Resources Officers may discover that a staff member may have engaged in misconduct, for example, relating to requests for entitlements, such as education grants. After obtaining all the necessary information, the head of office may refer these cases to the Office of Human Resource Management for disciplinary action.
Reporting mechanisms	The investigation panel submits its report to the head of office that initiated the investigation. Where the head of office is satisfied that the report indicates that misconduct may have occurred, the report is transmitted to the Assistant Secretary-General for Human Resources Management for disciplinary action. For mission cases, the report is submitted through the Department of Field Support.
Standards and guidelines involved	The investigation panel conducts the investigation in accordance with the terms of reference provided by the head of office.
Training received	Panel members do not receive formal training. At the request of the head of office, the Office of Human Resources Management has briefed panel members on the basic information that should be included in the investigation report and the basic rights of the subject of the investigation.

[2] Includes 11 cases of sexual exploitation and abuse.

[3] Includes 3 cases of sexual exploitation and abuse.

Under the Secretary-General's bulletin ST/SGB/2008/5, a pool of trained investigators should be available for managers to call upon to assist in investigations on discrimination, harassment, including sexual harassment, and abuse of authority. OIOS is working with the Office of Human Resources Management to develop a training programme for the pool of investigators.

(b) Panel on Discrimination and other Grievances

Legislative Mandate

The Panel on Discrimination and other Grievances was established in 1977 by administrative instruction ST/AI/246, and its terms of reference were updated in 1983 by administrative instruction ST/AI/308/Rev.1. The Panel investigates allegations of discriminatory treatment, harassment, and employment-related grievances arising from working in the Organization. The terms of reference of the Panel indicate that:

- The Panels shall investigate grievances submitted by the staff members arising from their employment with the Organization. Such grievances may include, but are not necessarily limited to allegations of discriminatory treatment in the United Nations Secretariat on the grounds such as those referred to in article 2 of the Universal Declaration of Human Rights. The Panels shall seek to resolve the grievances by informal means or, where this proves impossible, by recommending appropriate action by the Secretary-General;

- In the discharge of their functions, Panel members shall act with complete independence and impartiality. If, as a result of its investigation, any panel considers that grievances or problems exist at the duty station, which bears on general conditions of work, it may submit a special report through the Joint Advisory Committee or equivalent body to the head of office for transmittal to the Secretary-General or, in the case of the Headquarters panel, directly to the Secretary-General;

- The Panels may decline to deal with matters which, in their opinion, fall within the competence of other advisory bodies established under the Staff Regulations and Rules.

	Pursuant to General Assembly resolution 61/261, the Panel on Discrimination and other Grievances will be abolished, effective 1 January 2009. (The legislative basis calls for Panels in New York, Geneva, Vienna and Nairobi. The New York Panel is permitted to receive cases from outside Headquarters, including from peacekeeping missions.)
Types of cases	Discrimination and other grievances
Number of cases (2006-2007)	Between October 2006 and December 2007, the Panel handled a total of 35 cases (15 from outside Headquarters).
Related resources	The Panel on Discrimination and other Grievances in New York has a Secretary (G-6/7 level) provided by the Department of Management, which also provides a small office for use of the Secretary and for keeping the panel's records. The Panel does not have any funding that could have made travel for on-site interviews, access to videoconferencing facilities or modern information technology equipment possible. Panel members carry out their Panel duties in addition to their regular United Nations jobs, although Panel-related work is considered official work under the legislative basis. In 2007, a number of Panel members were unexpectedly unavailable. This has further reduced the resources of the Panel and delayed its work.
Reporting mechanisms	The legislative basis of the Panel requires it to submit its reports to the head of the Office of Human Resources Management and to the head of the department in which the complainant works. In some cases, the Panel may choose to submit its final report to the Secretary-General — an option provided in the Panel's terms of reference.
Standards and guidelines involved	Upon being revitalized, the Panel reviewed and updated its guidelines and procedures. At present, the following procedure is involved in filing a complaint with the Panel: Any staff member who wishes recourse to a panel may contact the Secretary, any Panel member or the coordinator. Although the New York Panel is specifically for complaints raised by staff members at this location, the Panel also receives cases from staff away from Headquarters especially if there is no Panel on Discrimination and other Grievances in their location. The New York Panel may opt to send a case submitted by a Headquarters

	staff member to another panel if there appears to be a conflict of interest or if the case is of an extremely sensitive nature and that it is best if the case is reviewed by a Panel in another duty station. All claims must be submitted in writing. This written statement must include the following: (i) complete name of and administrative details of the complainant; (ii) a summary of the nature of the grievance; (iii) an explanation of why the complainant feels this situation has arisen; and (iv) an explanation of what the complainant wants the panel to accomplish. The complainant must sign and date the written claim, attach any supporting documents and indicate whether the case has been brought before any other internal justice system body. If the latter is the case, the Panel asks the complainant why the case is being brought to the attention of the panel in addition to other bodies. The Panel's interviews and its investigation process are confidential. It has been given the authority to request and receive confidential documents that are relevant to a particular case. Panel members are required to inform the Panel Coordinator of any potential personal or professional conflict of interest at the time of being assigned a case. The Panel makes an effort to mediate a solution and if that seems not possible, moves into the investigation process. Although the Panel tries to finalize its investigation within 2-3 months, depending on the degree of complexity of a case, this is not always possible.
Training	The Panel Secretary and several Panel members have attended training sessions provided by the Office of Human Resources Management on mediation and conflict resolution. The Panel Secretary attended several negotiation and mediation trainings conducted by the Cornell Institute on Conflict Resolution. Most Panel members have some prior experience with consensus-building, mediation and conflict resolution.

(c) Department of Safety and Security

Legislative mandate	The Internal Affairs Unit of the Department of Safety and Security was established based on an October 2006 recommendation of the internal Management Consulting Service of the Monitoring, Evaluation and Consulting Division of OIOS and functions as a standing fact-finding body under administrative instruction ST/AI/371. The role of the Internal

	Affairs Unit is to investigate allegations of wrongdoing or malfeasance of Department of Safety and Security staff members worldwide. This includes staff members at the Professional level, Security Officers level, and General Service level at Headquarters, offices away from Headquarters and the regional commissions, as well as international and locally recruited Department of Safety and Security staff members administered by the United Nations Development Programme (UNDP) assigned to security functions in peacekeeping missions and in United Nations country teams. As with the Special Investigations Units, the Internal Affairs Unit is a fact-finding unit, the role of which is to gather case facts by retrieving information and data from evidence presented.
Types of cases	The Internal Affairs Unit investigates category II allegations. Category I allegations are referred to OIOS (for those staff members holding United Nations contracts) or performed in conjunction with the Office of Audit and Investigations, UNDP (for those staff members holding UNDP contracts). Sexual harassment cases were referred to the Office of Human Resources Management up to end of February 2008.
	The Special Investigations Unit investigates crimes, offences, accidents and violations that occur within the Headquarters district.
Number of cases	Number of cases investigated by the Internal Affairs Unit of the Department of Safety and Security:
2006	10 cases
2007	26 cases
2006-2007	Number of cases investigated by the Special Investigations Unit of the Department of Safety and Security:
2006	377 cases
2007	408 cases
Related resources	The Internal Affairs Unit is assigned to the Compliance, Evaluation and Investigations Section of the Department of Safety and Security and permanent investigators commenced service in March 2008. Prior to the arrival of the permanent investigators, personnel assigned to the Compliance, Evaluation and Monitoring Unit of the Compliance,

	Evaluation and Investigations Section were tasked with investigations. Three Security Officer level staff members and, if necessary, Professional staff from the Compliance, Evaluation and Monitoring Unit can be used to augment the Internal Affairs Unit; the Internal Affairs Unit reports directly to the Chief of the Compliance, Evaluation and Investigations Section. The Special Investigations Unit comprises one Lieutenant, one Sergeant, and two Security Officers.
Reporting mechanisms	Fact-finding reports, at the conclusion of the investigation, are issued to the appropriate Programme Manager for action.
Standards and guidelines involved	Generally, the Internal Affairs Unit uses the OIOS Investigations Manual as its reference for investigations. Internal guidelines are in the process of being produced to compliment the OIOS investigation for those cases requiring liaison with UNDP.
Training received	The two newly arrived Security Officer level investigators have United Nations investigative backgrounds. The Compliance, Evaluation and Monitoring Unit personnel used for investigations were former OIOS investigators.

(d) Peacekeeping missions: Board of Inquiry and Special Investigations Unit

Legislative mandate	There are three types of Boards of Inquiry, which carry out investigations in missions: (a) Boards of Inquiry constituted under the Directives for Disciplinary Matters Involving Military Members of National Contingents, promulgated in 2003; (b) Boards of Inquiry constituted under the Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers, promulgated in 2003; (c) Boards of Inquiry constituted under chapter 16 of the Draft Field Administrative Manual issued in 1992. The latter Board of Inquiry assists the Organization in assuming responsibility for the equipment and supplies, including contingent-owned property used by a peacekeeping or a field mission and for

	protection of the mission and its members while on official duty against third-party claims. These Boards of Inquiry do not have the mandate to conduct disciplinary investigations in respect of staff members. Nevertheless, the Board of Inquiry may, in the conduct of their inquiry, find facts which indicate possible misconduct on the part of a staff member. Inquiries conducted by Boards of Inquiry are normally based on Special Investigations Unit or United Nations Police reports. Legislative mandates for Special Investigations Units in missions are contained in the General Assembly resolutions establishing missions and mission structures.
Types of cases	Examples of cases handled by Boards of Inquiry include gross negligence on the part of a staff member in a traffic accident.
Number of cases	The number of cases reported by the Department of Field Support is:
2006	175 cases
2007	150 cases
Related resources	Administrative and secretarial support is provided at Headquarters by one P-3 and one General Service staff.
Reporting mechanisms	The reports prepared by the Boards of Inquiry or the Special Investigations Units are transmitted to the head of office, who may transmit it to the Assistant Secretary-General for Human Resources Management for disciplinary action. These reports are submitted through the Department of Field Support.
Standards and guidelines involved	Policy Directive of the Boards of Inquiry dated 1 June 2008, with its accompanying standard operating procedures issued on 1 June 2008.
Training received	Briefings on the terms of reference of the Board is provided by Legal Advisers of the Department.

(e) Ethics Office

Legislative mandate	The Ethics Office derives its legislative basis for receiving and reviewing requests for protection from retaliation specifically from the Secretary-General's bulletin ST/SGB/2005/22 (terms of reference) and

from the Secretary-General's bulletin ST/SGB/2005/21 (the policy on protection against retaliation). Section 5.2 of ST/SGB/2005/21 describes the specific role of the Ethics Office in implementing the policy.

Types of cases

Section 5.2 states:

> "The functions of the Ethics Office with respect to protection against retaliation for reporting misconduct or cooperating with a duly authorized audit or investigation are as follows:
>
> "(a) To receive complaints of retaliation or threats of retaliation;
>
> "(b) To keep a confidential record of all complaints received;
>
> "(c) To conduct a preliminary review of the complaint to determine if (i) the complainant engaged in a protected activity; and (ii) there is a prima facie case that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation."

If the Ethics Office finds a prima facie case of retaliation, then it refers the matter to OIOS.

Number of cases

January to July 2006

The Ethics Office received 45 complaints of retaliation for reporting misconduct. After an initial assessment, 9 were determined to fall outside the scope of the Office's mandate; 3 were referred to other offices, 19 received early monitoring and assessment, 8 were tracked for pending action by other offices, and 6 cases were determined to warrant a preliminary review. Of those six cases, one case had been submitted for investigation and in the other five cases, no prima facie case was found.

August 2006 to July 2007

During this period, the Ethics Office received 52 complaints of retaliation. After the initial assessment, it was determined that 16 complaints warranted a preliminary review. Of the 16 complaints, 2 cases were referred to OIOS for further investigation following a determination that a prima facie case of retaliation had been established. No prima facie case was found in 10 cases and 4 cases continued to be under review. Of the remaining 36 complaints, 19 fell outside of the scope of the Office's mandate, and 11 were provided with

	advice and guidance. The Office was copied in six cases that were primarily addressed to other departments or offices.
August 2007 to July 2008	The Ethics Office received 45 complaints of retaliation. Following the initial assessment, 18 complaints were found to warrant a preliminary review. Of these 18, no prima facie case was found in 7 complaints, and 11 cases continued to be under review. Of the remaining 27 complaints, 9 were determined to fall outside of the scope of the mandate of the Ethics Office, 13 were provided with advice or guidance, and 5 are in the initial assessment phase of their review. The four cases there were reported as still under review under the last reporting period were completed during this period and in all four cases, because the relevant organizations undertook appropriate action to address the staff members' concerns, the Ethics Office ceased its review and closed its files.
2006-2007	Seventeen cases (all in 2007) were submitted to the Office of Human Resources Management relating to financial disclosure.
Related resources	One Ethics Officer (P-4) and one temporary Ethics Officer (P-3) with support provided by the Director (D-2).
Reporting mechanisms	To the Ethics Office: Complaints are made in person, by regular mail or by e-mail, by fax or through the Ethics Office helpline.
Standards and guidelines involved	Standards and procedures have been put in place to ensure confidentiality of complaints. Basic procedures followed for complaints received: (i) Upon receipt of a complaint, the office performs an initial assessment to determine whether the matter falls within the scopé of the Secretary-General's bulletin ST/SGB/2005/21. In order to assist in the assessment, the complainant is asked to fill out a form providing details of the protected activity and the alleged retaliation;

(ii) If the Ethics Office determines, upon assessment, that the case can/should be handled more appropriately by a different office, the complainant is so advised. In some instances, the office will refer the matter to the relevant office, usually with the consent of the complainant;

(iii) If it is determined that the matter does indeed fall within the scope of its mandate, the Ethics Office conducts a preliminary review, which generally involves interviews of the complainant and possible witnesses as well as a review of relevant supporting documents. The office attempts to obtain independent corroborating information to support (or refute) the allegations made by the complainant;

(iv) In cases where a prima facie case has been found, the Ethics Office advises the complainant of the finding. OIOS, the Office of Human Resources Management and the head of office are also informed of the finding so that interim measures can be taken, if necessary, to safeguard the interests of the complainant pending the investigation by OIOS.

In cases where there is no finding of a prima facie case, the finding and the basis thereof is communicated to the complainant; in certain circumstances, the head of office may also be informed of the finding.

Training for Ethics staff

(i) Internal training provided by the Office of Human Resources Management: collaborative negotiation skills and negotiating diversity conflicts.

(ii) External training:

- Neutral investigation and fact-finding of sexual harassment complaints;
- Cross-cultural issues in mediation and negotiation.

IV. Status of work to establish a training capacity for programme managers to handle category II cases of misconduct and assessment of such work

23. As regards paragraph 17 (c) of General Assembly resolution 62/247, OIOS is in the process of designing an investigation learning programme aimed at equipping programme managers with basic investigations training for the handling of category II cases. The programme consists of three modules, which range from a

basic introductory course on investigations to specialized modules designed to cover sexual harassment, financial misconduct, information technology and advanced interviewing techniques, as well as policy and normative aspects of investigations. The full complement of the programme modules will be developed by the end of the third quarter 2008, with training of programme managers expected to commence by the end of 2008 or early 2009. At least one module, Sexual Harassment, will be ready for delivery to programme managers by September 2008. OIOS will also hold workshops available to interested staff intended to raise awareness in high-risk areas, such as procurement. While the investigation learning programme curriculum is being developed by two staff members, the actual training will be delivered by investigators.

24. The content of the investigation learning programme curriculum is consistent with the recent updates in the Investigation Manual, as well as the standard operating procedures which specifically address technical and procedural matters related to investigations. The curriculum, as well as the guidance established, align OIOS with best practice in the system and developing jurisprudence affecting investigations.

25. In addition, OIOS has initiated regular discussions within the United Nations system to ensure consistency through acceptance of minimum standards for investigation. Regular, informal meetings with the Department of Safety and Security, the Department of Field Support and the funds and programmes are scheduled for this purpose, while the annual Conference of International Investigators brings together the entire United Nations system, the specialized agencies and the multilateral development banks to promote best practices and the independence of the investigation function.

26. Since its initial proposal to the General Assembly, OIOS reassessed its strategy for capacity-building and determined that at the stage of the investigation learning programme design and development, only two positions at the P-4 level are required. Therefore, as reported to the Advisory Committee on Administrative and Budgetary Questions in March 2008 (see A/62/7/Add.35), only two positions were recruited for training under the general temporary assistance allotment.

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Prevention of armed conflict

The situation in Afghanistan

Promotion and protection of human rights

Developments in the field of information and telecommunications in the context of international security

Security Council
Sixty-third year

Identical letters dated 19 September 2008 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General and the President of the Security Council

We have the honour to transmit herewith the text of the Dushanbe Declaration of the Heads of member States of the Shanghai Cooperation Organization, which was adopted by the Presidents of the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan at the Shanghai Cooperation Organization summit held in Dushanbe on 28 August 2008 (see annex).

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We should be grateful if the present letter and its annex were to be circulated as a document of the General Assembly, under agenda items 12, 17, 64 and 85, and of the Security Council.

(*Signed*) **Wang** Guangya
Permanent Representative of the
People's Republic of China to the United Nations

(*Signed*) Byrganym **Aitimova**
Permanent Representative of the
Republic of Kazakhstan to the United Nations

(*Signed*) Nurbek **Jeenbaev**
Permanent Representative of the
Kyrgyz Republic to the United Nations

(*Signed*) Vitaly **Churkin**
Permanent Representative of the
Russian Federation to the United Nations

(*Signed*) Sirodjidin **Aslov**
Permanent Representative of the
Republic of Tajikistan to the United Nations

(*Signed*) Alisher **Vohidov**
Permanent Representative of the
Republic of Uzbekistan to the United Nations

Annex to the identical letters dated 19 September 2008 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Russian and Chinese]

Dushanbe Declaration of the Heads of States members of the Shanghai Cooperation Organization

The Heads of States members of the Shanghai Cooperation Organization (hereinafter referred to as "SCO" or "the Organization", having gathered in Dushanbe at the meeting of the Council of Heads of State and having discussed international issues and the situation in the region, hereby declare the following:

1. In the twenty-first century, the interdependence of States has increased dramatically while security and development are becoming inseparable. None of today's international problems can be resolved by force and the role of force as a factor in global and regional policy is objectively seen to be decreasing.

Exclusive reliance on the use of force has no future and hinders the comprehensive settlement of local conflicts. A comprehensive resolution of existing problems is possible only by fully taking into account the interests of all parties and by including them in the negotiating process, not by isolating them. Attempts to strengthen one's own security at the expense of the security of others do not contribute to the maintenance of global security and stability.

The participants of the Dushanbe meeting underline the need to respect the historical and cultural traditions of every country and every people and to respect efforts aimed at preserving the unity of the State and its territorial integrity, in accordance with international law, as well as efforts to promote good-neighbourly relations among peoples and their common development.

2. The search for effective responses to common global challenges and threats must be carried out in strict compliance with the Charter of the United Nations and the universally accepted rules of international law by uniting the efforts of all countries and overcoming confrontational thinking, bloc politics and unipolarity using the potential of multilateral diplomacy.

The States members of SCO believe that, under the present circumstances, international security must be based on the principles of reciprocal trust, mutual benefit, equality and cooperation. The establishment of a global missile defence system is not conducive to the maintenance of a strategic balance or to international arms control efforts, nor is it conducive to nuclear non-proliferation, the strengthening of trust between States or regional stability.

3. The States members of SCO express their deep concern regarding the recent tension over the South Ossetian issue and call on the relevant parties to resolve the existing problems peacefully through dialogue and to work towards reconciliation and the facilitation of negotiations.

The States members of SCO welcome the approval on 12 August 2008 in Moscow of the six principles to resolve the conflict in South Ossetia and support the

active role of the Russian Federation in promoting peace and cooperation in this region.

4. The States members of SCO reaffirm their commitment to preventive diplomacy as an important means of effectively addressing security and development problems, and to strengthening the key role of the United Nations in the field of crisis prevention.

The States members of SCO consider that the legitimate framework for conflict prevention is provided by the Charter of the United Nations, the resolutions of the Security Council and the rules of international law, and that the United Nations Security Council, which is entrusted with the primary responsibility for the maintenance of international peace and security, plays a decisive role in this field.

Noting the increasingly active role and growing potential of regional organizations in the field of preventive diplomacy, the States members of SCO support comprehensive development and enhanced cooperation between the United Nations and regional bodies, in accordance with Chapter VIII of the Charter of the United Nations.

5. The States members of the Organization are in favour of broad international cooperation in order to provide the resources needed by humanity to meet global development goals without damaging the environment, including bridging the technological gap between countries and eradicating poverty by providing all States equal access to the benefits of globalization.

Against the backdrop of a slowdown in the growth of the world economy, it is particularly important to pursue a responsible currency and financial policy, to control capital flows and to ensure food and energy security.

6. The States members of SCO express satisfaction at the increased degree of coordination in the fight against terrorism, separatism and extremism within the Organization and intend to raise security cooperation among member States to a qualitatively new level using the capabilities of the SCO Regional Anti-Terrorist Structure.

The States members of SCO reaffirm their commitment to strengthening the central coordinating role of the United Nations in organizing an international response to the terrorist threat; to the consistent implementation of the United Nations Global Counter-Terrorism Strategy; and to the achievement of a final agreement on a comprehensive convention on international terrorism as soon as possible.

The States members of SCO are fully determined to counter attempts to spread terrorist ideology and stand ready to work together closely for the implementation of United Nations Security Council resolution 1624 (2005) and for the promotion of an intercivilizational and intercultural dialogue. It is also important to build on the capacities of civil society, the business community, the mass media and non-governmental organizations.

7. The Heads of State stress the importance of the adoption at the sixty-second session of the United Nations General Assembly of resolution 62/17, entitled "Developments in the field of information and telecommunications in the context of international security", and express their readiness to provide their joint assistance in the implementation of its recommendations.

The Heads of State note the effective work carried out within the framework of SCO to establish the international legal framework and practical mechanisms of cooperation aimed at ensuring international information security.

8. The Heads of State call for increased cooperation between SCO and the United Nations, the Commonwealth of Independent States, the Association of Southeast Asian Nations, the Eurasian Economic Community, the Collective Security Treaty Organization, the Economic Cooperation Organization and the United Nations Economic and Social Commission for Asia and the Pacific on the basis of signed memorandums of understanding.

9. The Heads of State stress the importance of promoting a dialogue between States members of the Organization on the effective and sustainable use of water and energy resources, taking into account the interests of the parties.

Combined efforts to establish close cooperation for the industrial development of new energy technologies will be of particular importance, including in the context of combating global climate change. In this connection, greater emphasis will be placed on the development by States members of SCO of common approaches designed to overcome the negative impact of climate change and to promote clean energy.

10. The States members of SCO, reaffirming their commitment to the fundamental instruments and standards for the protection and promotion of human rights, shall:

- promote the observance of human rights and fundamental freedoms and safeguard the rights of national minorities, in accordance with their international obligations and national legislation;
- share experience on the implementation of international human rights treaties;
- implement existing agreements within the framework of multilateral and bilateral humanitarian treaties;
- intensify consultations and cooperation within the United Nations on human rights issues; and
- support the engagement of SCO with other regional organizations and integration associations on issues related to humanitarian cooperation and the promotion of human rights.

11. The States members of SCO note that the geopolitical and economic significance of Central Asia is increasing. The dynamic development of the Organization will contribute to reinforcing strategic stability, maintaining peace and security, and establishing multifaceted economic and humanitarian cooperation in the region.

12. External challenges and threats to security are factors that complicate the situation in the region. The development of the situation in Afghanistan and the expansion in the scale of drug trafficking and cross-border organized crime require the strengthening of coordination, including through the creation of joint mechanisms to assess, prevent and respond to such challenges and threats.

The Heads of State believe that it is important for the International Security Assistance Force (ISAF) operating in Afghanistan under the mandate of the United Nations Security Council to pay greater attention to the task of countering

the production and smuggling of Afghan narcotics, in cooperation with the Government of the Islamic Republic of Afghanistan and neighbouring and other interested countries. They propose that this task should be reflected in the mandate of ISAF during the next consideration of the situation in Afghanistan by the United Nations Security Council.

The States members of SCO shall continue their joint efforts to establish close cooperation with other interested countries and international regional organizations with a view to creating a broad partnership network to counter terrorist and narcotic threats.

The Heads of State underline the need, as part of Afghanistan-related efforts, to enhance the work of the SCO-Afghanistan Contact Group and to begin practical preparations for the convening of a special conference on Afghanistan, under the aegis of SCO, to discuss collective action against terrorism, illicit drug trafficking and organized crime.

13. The Heads of State believe that the establishment of a nuclear-weapon-free zone in Central Asia is an important step aimed at strengthening the regime of the Treaty on the Non-Proliferation of Nuclear Weapons. In this connection, they consider that the Semipalatinsk Treaty of 2006 will contribute to strengthening peace and security in the region and to combating international nuclear terrorism by preventing nuclear materials and technologies from falling into the hands of non-State actors.

14. The Shanghai Cooperation Organization is open to constructive dialogue with all international and regional organizations that share the purposes and principles of SCO and are guided in their activities by the rules of international law and the Charter of the United Nations. On that basis, SCO stands ready to consider the possibility of establishing cooperation with other international organizations with the aim of ensuring the stable, secure and harmonious development of the region, while taking into account the interests of the States members of SCO to the fullest extent possible.

President of the Republic of Kazakhstan

President of the People's Republic of China

President of the Kyrgyz Republic

President of the Russian Federation

President of the Republic of Tajikistan

President of the Republic of Uzbekistan

Dushanbe, 28 August 2008